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ABSTRACT

This document presents the transcript of a Congressional hearing examining women's participation in intercollegiate athletics, gender equity, and the impact of those governing regulations on intercollegiate athletics as mandated by Title IX of the Education Amendments of 1972. The testimony of the following persons is included in the transcript: Merrily Dean Baker, Athletic Director, Michigan State University; Clarence C. Crawford, Associate Director, Education and Employment Issues, General Accounting Office; Chris Crissman, Office of Education and Employment Issues, General Accounting Office; Vivian L. Fuller, Associate Director, Intercollegiate Athletics, Indiana University of Pennsylvania; Christine H. B. Grant, Women's Athletic Director, University of Iowa; Phyllis Howlett, Assistant Commissioner, Big Ten Conference and Chair, NCAA Committee on Women's Athletics; Lee A. McElroy, Athletic Director, California State University; Richard D. Schultz, Executive Director, National Collegiate Athletic Association; and Ellen J. Vargyas, senior counsel for education and employment, National Women's Law Center. (DB)

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INTERCOLLEGIATE SPORTS
(Part 2)

ED359091

HEARING

BEFORE THE

SUBCOMMITTEE ON
COMMERCE, CONSUMER PROTECTION, AND
COMPETITIVENESS

OF THE

COMMITTEE ON
ENERGY AND COMMERCE
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

SECOND SESSION

ON

TITLE IX IMPACT ON WOMEN'S PARTICIPATION IN INTERCOLLEGIATE ATHLETICS AND GENDER EQUITY

APRIL 9, 1992

Serial No. 102-140

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INTERCOLLEGIATE SPORTS

THURSDAY, APRIL 9, 1992

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
SUBCOMMITTEE ON COMMERCE, CONSUMER PROTECTION,
AND COMPETITIVENESS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:12 a.m., in room B-352, Rayburn House Office Building, Hon. Cardiss Collins (chairwoman) presiding.

Mrs. COLLINS. Good morning. This hearing of the Energy and Commerce Subcommittee on Commerce, Consumer Protection and Competitiveness will come to order.

Today, our subcommittee's hearing will examine women's participation in intercollegiate athletics, gender equity, and the impact of those governing regulations on intercollegiate athletics mandated by title IX of the Education Amendments of 1972.

Women represent about a third of college athletes, but National Collegiate Athletic Association figures estimate that women get, at most, one-quarter of athletic scholarships. Women's share of total athletic expenditures is less. Today we will see, for example, that among Division I institutions, 252 offered basketball for men and 246 offered basketball for women and that these institutions spend substantially more in operating the men's programs than they do on the women's programs. For every dollar spent on operating a women's program, institutions spend, on average, $2.75 operating the men's program. For every dollar spent on recruiting women basketball players, the institutions spend an average of $3.21 on recruiting men. These are substantial differences, and I hope that today an explanation can be offered accompanied by some remedial solutions.

Last May, I requested the General Accounting Office to conduct a review of college athletic budgets and hiring. The preliminary results from their survey are disturbing. The simple finding was that at colleges and universities, other than historically black colleges and universities, minority and women hiring practices were abysmal. The GAO report today, as does the NCAA's recent survey on gender equity, shows schools still do not carry out either the letter or the spirit of title IX which calls for equal opportunity for men and women in athletics.

For example, within the men's and women's basketball programs at Division I institutions, there appear to be substantial differences in the salaries paid coaches in the programs. The salary of coaches in the men's programs are more than 80 percent higher than the

salary of coaches in the women's programs. This holds true for both head coaches and assistant coaches.

It should be noted that while 40 percent of the coaches in the women's programs are men, none of the coaches in the men's programs are women, and it is possible that the aggregation of data on salary by program is covering up an even greater disparity between the salaries paid male and female coaches. I expect the data presented today by the GAO to reflect this situation.

For too many years, schools have been spending more effort to find excuses not to comply with title IX than to find ways to implement the law. For example, they often try to ignore spending on football despite the fact that the law provides no such exception. They claim that football is a revenue gainer despite the fact that at most schools it isn't. They look at spending ratios based on participation rather than enrollment, an approach which is self-defeating and perpetuates unequal treatment of women.

If schools had special programs for male scientists or if they designated two-thirds of their academic scholarships for men, we would be outraged. We should have similar outrage with respect to sports.

Finally, since the passage of title IX 20 years ago, this subcommittee demands to know just exactly what has been the response from the NCAA? What leadership has the NCAA demonstrated? What guidance throughout these 20 years has the NCAA given to its thousand-plus member institutions, and what, if any, incentives has the NCAA provided to encourage full compliance with the dictates of the law?

It is ironic that the NCAA will impose stiff sanctions on schools for what appear to be minor infractions, such as driving an athlete to classes at the University of Maryland, but, on the other hand, as schools openly violate both the spirit and the letter of title IX, the NCAA has no program of sanctions for these more serious violations.

The failure of schools to live up to their requirements for gender equity harkens back to the original theme of our hearings. As I have said before, college athletics have unfortunately become big business. As college presidents and athletic directors develop budgets based on television revenues instead of the needs of students, the problems in college sports will persist.

Mr. Alex McMillan.

Mr. McMILLAN. Thank you, Madam Chairwoman.

This is the fourth hearing held by this subcommittee exploring issues surrounding intercollegiate athletics, and today's topic, title IX and the effects on women's sports and gender equity, is certainly important. While Congress originally passed title IX in 1972, it appears that most of the major improvements in women's intercollegiate athletics did not take place until after further congressional legislation in 1988. It is unfortunate that these reforms were so long in coming. However, things now seem to be moving in the right direction.

I would like to thank all of the witnesses for agreeing to appear before the subcommittee today and would like to welcome Vivian Fuller, who is a graduate of Federal State University in North

Carolina and previously worked at North Carolina A&T University.

Also, I would like to especially welcome Dick Schultz, the NCAA's executive director. During his tenure, the NCAA has undertaken a series of reforms that have been instrumental in restoring the faith of many Americans in intercollegiate athletics. Through these reforms, the association has demonstrated a willingness to examine its policies and has taken steps that are in the best interests of all student athletes.

Reviewing some of these NCAA reforms for the record, the League Committee was established to review the NCAA enforcement and infractions process with many due process issues to be implemented. The Presidents Commission has resulted in the presidents of the member institutions asserting their control over the association's policies. This plan has also reduced the time demands placed on student athletes.

A new Division I men's basketball tournament revenue distribution plan was approved which results in a more equitable distribution of money throughout the NCAA membership and not simply to the winning teams. New freshmen academic eligibility guidelines were established to ensure that students are prepared for college course work and will have a reasonable chance of graduating in addition to competing in intercollegiate athletics, and, finally, of much interest to today's hearings, a study analyzing the expenditures for women's and men's athletic programs was conducted. The results of that study have been widely discussed and will be presented to the subcommittee today.

Notwithstanding these positive steps in many areas, the NCAA's own gender equity study indicates that disparities exist between men's and women's intercollegiate programs, and I am pleased that Dick Schultz recognizes gender equity as an issue of simple fundamental fairness and hope that he will take a leadership role in this area.

I look forward to hearing from all of today's witnesses and focusing on ways to seek further improvement toward achieving overall gender equity.

Thank you. I yield back.

Mrs. COLLINS. The gentleman from Maryland, Mr. Tom McMillen.

Mr. MCMILLEN. Thank you, Madam Chairwoman. Thank you for holding these hearings.

We have had a number of hearings on a number of issues in college sports—due process, funding for historically black colleges, and the overall situation in college sports. But I can't think of anything more important than looking at the financing of college athletics, revenue distribution, and particularly the distribution of funding for women's sports.

It has been 20 years since Congress passed title IX, and, as we look out and look at the evidence, the oversees of college boards have only relegated a small piece of the pie to women and women athletes. When title IX was passed, congressional intent was clearly stated: There should be no discrimination based on sex. But if you go down the evidence and look at it, Division I men's scholarship expenses outpace women's by almost 3 to 1. Spending on re-

cruiting is 5 times greater in men's sports. Time after time, there is evidence that the law has just not been complied with. And it is beyond just the NCAA. It is also the Office of Civil Rights. The Office of Civil Rights since 1972 has only initiated three reviews of college programs with regard to this discrimination.

Madam Chair, I have no doubt that the NCAA will come before us today and say that they profess their loyalty to title IX and want to comply with it, and I give credit to Dick Schultz for trying to drag and cajole and shove many of the institutions into the twenty-first century. But the facts are very clear. The facts are that in 1972 Congress passed title IX. In 1992, the NCAA is putting a gender equity committee together, 20 years after the law was passed. In 1978, there was a hearing on due process and enforcement. In 1991, 13 years later, the NCAA forms a due process committee to look at those kinds of things. Clearly, this is too little, too late. We have got to do much, much better.

I think the issue here is that the congressional intent has too often been ignored as to what I think we are trying to do. When you look at college sports today, you understand that for the most part the winner takes all. If you make it to the final four, you get a great bonanza. It is a capitalistic enterprise, and I think when you look at all that and where we are going, it is very disconcerting.

That is why I introduced last summer the Collegiate Athletic Reform Act, because, among other things, the bill would distribute revenue differently, not based on winning or winner taking all, but it would be based on academic parameters, it would be based on commitment to gender equity, it would be based on values I believe that are part of college and university values.

You know, Madam Chair, the alternative, if we are not careful, I believe, is that college sports is heading down a disastrous road. Just as the Supreme Court in 1984 unshackled colleges and universities to seek the greatest commercial advantage, I do believe that there will come a day when student athletes, the waivers of this system, will ask for the same rights, collective bargaining, they will ask for employee rights, they will ask for workers' compensation. When that day comes, college sports becomes 100 percent a business. It will be a sad day for our colleges and universities if this occurs.

I am not here today to attack the messenger because I think, as I said before, Dick Schultz has probably done more to prod his association than anyone in history. He has gotten the college presidents involved; he has established a good agenda. But quite honestly, if it weren't for Congress passing this bill in 1972, we wouldn't have any compliance, any gender equity whatsoever. So the fact is, we are here for good reason. We are here to take these sports entertainment complexes which are unique in America out of any country in the world. We have built these sports entertainment complexes on our campuses, and we are trying to put back educational values in those complexes.

I thank the Chair once again for having these hearings.

Mrs. COLLINS. Mr. Oxley.

Mr. OXLEY. Thank you, Madam Chairwoman.

This is another in a series of hearings on intercollegiate athletics, and I look forward to hearing from each of today's witnesses,

especially the NCAA's executive director, Richard Schultz, on whose watch I believe the NCAA has made substantial progress towards resolving the challenges facing intercollegiate athletics, which, I might add parenthetically, are not that much different from a lot of the challenges that we all face as Americans no matter what our particular background is.

Today we convene to discuss title IX and gender equity. Recent events have served to increase the visibility of the gender equity issue. Within the last month, the NCAA has released its gender equity study and announced the creation of a new NCAA gender equity task force. As I understand it, this task force is charged with developing a proactive approach to furthering gender equity in intercollegiate athletics. For this I believe we should commend Director Schultz and the entire NCAA.

I hope today's hearing will make clear that the NCAA is not the bad actor many people make it out to be. The NCAA does not act on its own as an independent actor but, rather, as an extension of its member institutions. In the past, the NCAA has been greatly misunderstood, and this is totally unfair. The NCAA acts on the direction of the presidents of its member institutions, and over the last few years, armed with the Knight Commission's recommendations, the Presidents Council has taken the reins of control back from the athletic directors.

The NCAA is already taking steps by providing graduate opportunities for female student athletes interested in pursuing careers in athletics administration. This is certainly a step towards ensuring women will be represented in intercollegiate sports.

There are many women already running high-powered athletic programs. Barbara Hedges heads up the Athletic Department at the University of Washington, winner of this year's national championship in football—or at least one of them. She is capable of running any program in the country. Merrily Dean Baker, the new athletic director at Michigan State, is here with us today. I'm sure she will be successful in Michigan State, althougn I hope not successful enough to allow the Spartans to beat Ohio State. I'm still trying to figure out how they got a quarterback from my district, but I'll get into that later.

Stanford women's basketball coach, Tara VanDerveer, can match strategy with the best minds in men's basketball, and, lest we forget, the NCAA's president is a woman, Judy Sweet.

It is apparent to me that the NCAA is on the right track in athletics, academics, and in gender equity, and Government interference can only delay or derail the reforms now under way. Before we act, we must ask whether it is prudent to substitute our judgment for that of college and university presidents who have demonstrated a steadfast dedication to reform. I don't think it is.

Clearly, if there were not some degree of gender equity we would not be here today. To the casual observer, there is a disparity between the number of men versus the number of women who participate in intercollegiate athletics and the funding allocated for their respective endeavors. There is also a disparity in the number of male-versus-female coaches and administrators.

Although title IX has been around since 1972, it has really only been applied to athletics since the enactment of the 1988 Civil

Rights Restoration Act, and I think that is an important point to remember. Women are becoming more involved with intercollegiate athletics, and I expect that as time goes by the number of women in coaching and athletics administration will grow just as athletic opportunities for women have grown.

In just a few years the Presidents Council has gotten tough on academic standards for athletes, and I'm sure they can make similar progress on the gender equity issue.

Madam Chairwoman, I look forward to hearing from our witnesses today.

Mrs. COLLINS. Mr. Towns.

Mr. TOWNS. Thank you very much, Madam Chair.

I commend you for bringing this issue before the subcommittee so that we can provide the level of discussion and review of discriminatory policies and attitudes that this issue merits.

Let me say that we must do everything reasonably possible to eradicate discrimination directed against women and women's sports programs wherever and whenever it exists. We are confronted with some very thorny questions and issues. However, the fact remains, under the law we are obligated to achieve and promote equity in the administration of female and male sports programs, and there is absolutely no way around this issue if we respect the law. We must do everything we can to tear down the walls that impede progress and full participation by women who desire to compete in sports programs.

Since the enactment of title IX in 1972, we have not witnessed any appreciable improvement in the plight of women in intercollegiate athletics either from the provision of scholarships, hiring of female coaches for female sports teams, hiring women for athletic director positions, or even in achieving pay parity for doing similar jobs. A classic example: coaching. Look at the salaries, look at the differences, and you will see that there is no real commitment to correcting it.

I am confident that we will benefit from the testimony we are slated to hear today, and I commend you again, Madam Chair, for providing us with this opportunity. And I would like to thank the panelists for their participation, because this inequity has gone on much too long.

Let me just say one thing in terms of some comments that I have heard from time to time, that the Congress should stay out of this: "Let us police ourselves; we will take care of this if you just allow us the time to do it; you all just leave us alone." Well, let me just say to you that discrimination is wrong, and I think that the Congress should step up and say that it is wrong, and I think that if we refuse to do that, then we are not performing our duties.

And let me say that I am not going to defend the NCAA, because I respect its leadership. I join my colleagues in saying that I think Dick Schultz's heart is in the right place, I think his head is in the right place, but there are some places that he just has not been able to move, and I think it is our obligation and responsibility as Members of Congress to assist him in helping to make this move. What is going on is wrong, and we need to try and make it right.

Madam Chair, I thank you for calling this to our attention, and I think you are the person to provide this kind of leadership.

Thank you very much.

Mrs. COLLINS. Thank you.

Our first panel will come forward, please. They are Mr. Clarence Crawford, who is the associate director of the Division of Education and Employment Issues for the General Accounting Office; and Mr. Richard Schultz, who is the executive director of the National Collegiate Athletic Association.

Won't you come forward, please, and whoever is accompanying you.

Mr. Schultz, you are accompanied by Ms. Merrily Dean Baker, the athletic director of Michigan State University, and Ms. Phyllis Howlett, the assistant commissioner of the Big Ten Conference?

Mr. SCHULTZ. Yes.

Mrs. COLLINS. We welcome all of you.

This subcommittee operates under the House rules of 5 minutes per person, which sometimes gets a little bit sticky, but those are the rules of the House. We have a little timer up here, and when that bell goes off, that means your 5 minutes are up, and I think all of you in sports know about those bells; they always come at the inopportune time. But when that happens, we will move on. But I want all of you, every witness here today, to understand that their full written testimony will become a part of the record.

We are going to begin with Mr. Crawford.

STATEMENTS OF CLARENCE C. CRAWFORD, ASSOCIATE DIRECTOR, EDUCATION AND EMPLOYMENT ISSUES, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY CHRIS CRISSMAN; AND RICHARD D. SCHULTZ, EXECUTIVE DIRECTOR, NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, ACCOMPANIED BY MERRILY DEAN BAKER, ATHLETIC DIRECTOR, MICHIGAN STATE UNIVERSITY; AND PHYLLIS HOWLETT, ASSISTANT COMMISSIONER, BIG TEN CONFERENCE, AND CHAIR, NCAA COMMITTEE ON WOMEN'S ATHLETICS

Mr. CRAWFORD. Madam Chairwoman and members of the subcommittee, I'm pleased to be here today to discuss GAO's preliminary results from our review of selected data concerning intercollegiate athletics.

You asked that we, (1) review financial data of the National Collegiate Athletic Association and its member schools' athletic departments; (2) develop department gender and race/ethnicity profile data; (3) develop department compensation data by profile; and, (4) analyze profile and compensation data comparing information for historically black schools to similar information for other NCAA Division I schools.

I would like to introduce Mr. Chris Crissman who is in charge of our work. I would like to summarize our gender, minority, and compensation results.

We surveyed all 298 NCAA's Division I schools to develop athletic department profile and compensation data for the five selected positions: athletic director, head of women's athletic programs, head football coach, men's head basketball coach, and women's head basketball coach. With a pledge of confidentiality, we obtained an 87 percent response rate, including 16 of 19 responses

from historically black Division I schools. Our analysis for historically black schools is based on a maximum of 16 respondents. Further, we made no attempt to adjust compensation data to reflect experience or years of service. Finally, we did not include in today's testimony information on individuals who are currently occupying more than one of the selected positions.

Among the schools responding to our questionnaire, only one school had a woman serving as the athletic director and no women coached football or men's basketball. Women headed nearly 90 percent of the women's athletic programs. However, women held about 27 percent of the women's head basketball coaching positions at historically black schools compared to slightly more than 60 percent of like positions at other Division I schools. All selected positions at historically black schools were occupied by minorities, except in one case where a white male was the women's head basketball coach.

Turning your attention to our staff chart on the left, you will see that minorities rarely held these positions at other Division I schools. Minority representation was highest among men's basketball coaches at about 14 percent. Moving to earnings, head football coaches had the highest average total compensation, $55,181 at historically black schools and $120,258 at other Division I schools. Our compensation chart shows that individuals at historically black schools had lower total earnings than those in other Division I schools.

As requested by your staff, we compared the average total earnings for women and men who coach women's basketball at historically black and other Division I schools. Our final chart on women's basketball contains our findings. We found that men earned slightly more than women at historically black schools, yet women had higher earnings than men at other Division I schools, $47,871 compared to $42,706.

This concludes my testimony, and I would be happy to answer any questions that you or other members of the subcommittee may have.

Thank you.

[Testimony resumes on p. 23.]

[The prepared statement of Mr. Crawford follows:]

Statement of Clarence C. Crawford

Madame Chairwoman and Members of the Subcommittee:

I am pleased to be here today to discuss GAO's preliminary results from our review of selected issues involving intercollegiate athletics. In your request, you noted that the Subcommittee is concerned about numerous inquiries it received from other members of the Congress, state legislators, and the general public. These concerns focused on certain issues related to intercollegiate athletics which annually generates over $1 billion in interstate commerce. You asked that we examine the finances of the National Collegiate Athletic Association (NCAA) and its member schools, gender profile in schools' athletic department positions, and minority hiring within athletic departments.

Specifically, you asked that we (1) review data on the revenues and expenses of the NCAA and its member schools' athletic departments, (2) develop profile data on the gender and race/ethnicity of staff members in schools' athletic departments, and (3) develop compensation data by gender and race/ethnicity of staff members within athletic departments. You also asked that we analyze the profile and compensation data by comparing information for schools designated as historically black schools by the Higher Education Act of 1965, as amended, to similar information for the other schools in NCAA's division I.

The material I will discuss today will be included with more detail in our forthcoming report to the Subcommittee. As such, our report will contain additional information concerning the results of our efforts.

BACKGROUND

The NCAA is involved in the administration of intercollegiate athletics. Its membership consists of over 800 4-year colleges and universities.

NCAA member schools belong to one of three divisions. A school's classification is generally based on items such as the number of sports sponsored. Typically, schools with the largest number of athletic programs and facilities belong to division I and schools with smaller programs are in divisions II or III. In addition, division I schools are further subdivided into three categories, I-A, I-AA, and I-AAA, with schools that have the larger football programs generally in division I-A.

NCAA's charter allows it to study all phases of intercollegiate athletics. In this capacity, the NCAA issued reports on minority hiring and gender equity in January and March 1992, respectively. It also conducts--under contract--a survey every 4 years relating to the revenues and expenses of its member schools' athletic activities for the NCAA's three divisions. The last report was issued in October 1990 and covered revenues and expenses for the 4 years ending in fiscal year 1989.

SCOPE AND METHODOLOGY

As agreed with your office, we used existing NCAA data sources to examine the revenues and expenses of the NCAA and its member schools. The NCAA provided revenue and expense data for the year ending August 31, 1991.

We also used the NCAA's October 1990 report to develop data on the revenues and expenses of member schools' athletic programs. We limited our use of this report's results to the 106 schools in division I-A because we were unable to aggregate the division I results and their response rate--82 percent--was the highest in division I.

We surveyed the 298 schools in the NCAA's division I to develop gender, race/ethnicity, and compensation data within their athletic departments. We mailed a questionnaire containing nine questions

BEST COPY AVAILABLE

to the athletic director at each of these schools. We requested demographic information, including gender and race/ethnicity data, as well as compensation data for the 1990-91 academic year for five positions generally found in athletic departments: (1) athletic director, (2) head of women's athletic programs, (3) head football coach, (4) men's head basketball coach, and (5) women's head basketball coach. We are performing additional analyses for individuals concurrently occupying more than one of these positions. Those results are not included in today's testimony but will be included in our report.

With your concurrence, we pledged confidentiality to the schools that responded to our questionnaire to help improve our response rate. Eighty-seven percent of the schools (259) answered at least one question, including 16 of the 19 historically black schools in division I.

Our analysis for historically black schools is based on a maximum of 16 schools. Therefore, caution must be exercised in using these results because of the limited number of schools. We will provide for the record a summary detailing the number of valid responses for each income item analyzed for the 259 schools, including ranges between the minimum and maximum amounts cited. The ranges for some income items were extremely wide. This should be considered in evaluating the averages cited.

We made no attempt to adjust the compensation data we received to reflect issues such as an individual's experience in athletics, years of service in a particular position, size of the school, or size of the athletic programs. In addition, we did not verify respondents' answers.

MAJOR REVENUES AND EXPENSES OF THE NCAA AND ITS MEMBER SCHOOLS

NCAA's Revenues and Expenses

The NCAA reported that it had revenues of $152.5 million and expenses of $151.3 million, resulting in a surplus of $1.2 million for the year ending August 31, 1991.

Table 1 shows that television fees--primarily for broadcasting rights--was the NCAA's major revenue source: $118.5 million or nearly 78 percent of the total. Revenues of $20.8 million from sports championship activities--such as its annual basketball tournament--followed, providing about 14 percent of total revenue.

Table 1: NCAA's Revenues

Source	Amount (millions)	Percent
Television	$118.5	77.7
Championships	20.8	13.6
Royalties	5.3	3.5
General	4.6	3.0
Publishing	1.4	0.9
Grants	1.0	0.7
Communications	.6	0.4
Visitors center	.3	0.2
Total	$152.5	100.0

The majority of the NCAA's expenses ($79.2 million) were for the redistribution of revenues to member schools for activities such as grants-in-aid and sports sponsorships. The next largest expense category, as shown in table 2, was to support its championship activities ($32.3 million).

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Table 2: NCAA's Expenses

Category	Amount (millions)	Percent
Distribution to members	$79.2	52.3
Championships	32.3[a]	21.4
National office	22.0	14.5
Membership services	15.9[b]	10.5
Committees	1.9	1.3
Total	$151.3	100.0

[a]Of this amount, $25.7 million was paid directly to member schools for team transportation and per-diem expenses in conjunction with their participation in NCAA championships.

[b]Of this amount, $3.5 million was spent for scholarships, youth programs, and catastrophic insurance for all student-athletes.

Member Schools' Revenues and Expenses

The NCAA's 106 division I-A member schools averaged $9.7 million in revenues and $9.6 million in expenses for fiscal year 1989. Fifty-five percent of these schools reported a surplus, 40 percent reported a deficit, and 5 percent reported a balanced budget.

Ticket sales was the largest source of revenue, accounting for 35 percent of revenues at division I-A schools. Table 3 shows the schools' revenue by source for fiscal year 1989.

Table 3: Division I-A Schools' Revenues

Source	Percent
Ticket sales	35.0
Contributions	15.0
Bowls, tournaments, and television	14.0
Guarantees & options	8.0
Direct government support	5.0
Student activity fees	4.0
Other student assessments	3.0
All other sources	16.0
Total	100.0

Salaries and wages, including fringe benefits, was the largest single expense for division I-A schools, accounting for 23 percent of operating expenses for fiscal year 1989. Table 4 shows the schools' expenses by category.

Table 4: Division I-A Schools' Expenses

Category	Percent
Salaries and wages	23.0
Grants-in-aid	17.0
Team and other travel	10.0
Guarantees and options	7.0
Equipment and supplies	4.0
All other sources	39.0
Total	100.0

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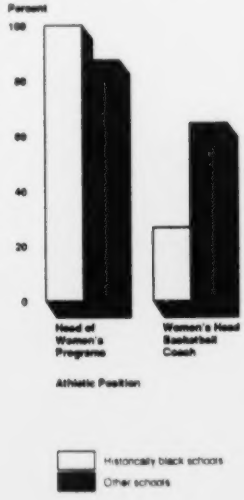
GENDER PROFILE

Among the schools responding to our questionnaire, only one woman in division I served as athletic director, and no women coached football or men's basketball. Figure 1 shows that women were more frequently represented as the head of women's programs. However, this figure also shows that women comprised a lower percentage (about 27 percent versus 64 percent) of women's head basketball coaches at historically black schools compared to the other division I schools.

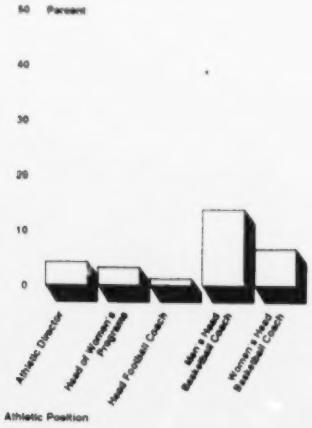
Figure 1: Women as a Percentage of Heads of Women's Programs and Women's Head Basketball Coaches



MINORITY PROFILE

Among the schools responding to our questionnaire, athletic department positions at historically black schools were occupied by minorities, except at one division I school where a white male was the women's head basketball coach. However, as shown in figure 2, minorities rarely held these positions at other division I schools. Men's head basketball coach was the position most frequently held by minorities--about 14 percent of the positions.

Figure 2: Minorities as a Percentage of Staff for Selected Athletic Positions at the Other Division I Schools



The NCAA found similar results in its study on minority hiring.

AVERAGE COMPENSATION RECEIVED BY PERSONNEL IN SELECTED ATHLETIC POSITIONS

I would like to summarize information for the five selected athletic positions we surveyed at division I schools, based on responses we received from our questionnaire.

The average amounts cited for each income item we discuss is the average amount received by those persons receiving such income. Except for base salary, many schools reported that not all persons holding these positions received any additional school benefits or outside income. This is particularly true for historically black schools, where there was only a small number of athletic personnel receiving any additional school benefits or outside income.

Base Salaries

At historically black schools, head football coaches had the highest average base salary--$49,522--while athletic directors at the other division I schools had the highest average base salary of $82,355. Table 5 shows that individuals occupying the five athletic positions at historically black schools earned a lower average base salary than those individuals in the similar positions at the other schools.

Table 5: Average Base Salaries for Selected Athletic Positions at Historically Black and Other Schools

Athletic position*	Average base salary	
	Historically black schools	Other schools
Athletic director	$49,117	$82,355
Head of women's programs	33,289	48,694
Head football coach	49,522	77,511
Men's head basketball coach	44,290	71,151
Women's head basketball coach	30,602	40,482

*The number of responding schools that said their staff received a base salary for the five athletic positions (in consecutive order) at historically black schools were 10, 3, 12, 16, and 15; and at the other division I schools 134, 120, 153, 228, and 215.

Additional School Benefits

For those earning additional school benefits in division I schools, head football coaches had the highest benefits--$19,968 and $25,568--at historically black and other division I schools, respectively. These benefits can represent items such as club memberships and housing assistance. Table 6 shows that individuals occupying the head of women's programs, head football coach, and men's head basketball coach positions at historically black schools earned less additional school benefits than those in similar positions at the other division I schools. However, athletic directors and women's head basketball coaches at historically black schools had higher average additional school benefits than those at the other schools.

Table 6: Average Additional School Benefits for Selected Athletic Positions at Historically Black and Other Schools

Athletic position[a]	Average additional school benefits	
	Historically black schools	Other schools
Athletic director	$8,000	$7,367
Head of women's programs	[b]	3,359
Head football coach	19,968	25,568
Men's head basketball coach	12,425	20,162
Women's head basketball coach	7,737	4,943

[a]The number of responding schools that said their staff received additional school benefits for the five athletic positions (in consecutive order) at historically black schools were 2, 0, 3, 5, and 3; and at the other division I schools 97, 65, 119, 182, and 136.

[b]There were no individuals in this position receiving such income.

Outside Income

Men's head basketball coaches had the highest average income for those receiving income from sources outside the schools, ranging from $5,000 at historically black schools to $39,338 at the other division I schools. Table 7 shows that individuals occupying the five athletic positions at historically black schools had lower average outside earnings than those in similar positions at the other schools.

Table 7: Average Outside Income for Selected Athletic Positions at Historically Black and Other Schools

Athletic position[a]	Average outside income	
	Historically black schools	Other schools
Athletic director	[b]	$16,890
Head of women's programs	[b]	3,783
Head football coach	$4,000	32,835
Men's head basketball coach	5,000	39,338
Women's head basketball coach	[b]	6,651

[a]The number of responding schools that said their staff received outside income for the five athletic positions (in consecutive order) at historically black schools were 0, 0, 2, 3, and 0; and at the other division I schools 22, 9, 97, 155, and 91.

[b]There were no individuals in this position receiving such income.

Total Income

Head football coaches had the highest average total compensation, regardless of the income source: $55,181 at historically black schools and $120,258 at the other division schools. Table 8 shows that individuals occupying the five athletic positions at historically black schools had lower average total compensation than those in similar positions at the other schools.

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Table 8: Average Total Compensation for Selected Athletic Positions at Historically Black and Other Schools

Athletic position*	Average total compensation	
	Historically black schools	Other schools
Athletic director	$50,717	$89,115
Head of women's programs	33,875	50,205
Head football coach	55,181	120,258
Men's head basketball coach	49,110	114,993
Women's head basketball coach	32,150	46,005

*The number of responding schools combined to determine the average total compensation received for the five athletic positions (in consecutive order) at historically black schools were 10, 2, 12, 16, and 15; and at the other division I schools 122, 113, 130, 203, and 191.

Comparative Compensation for Women and Men Coaching Women's Basketball

As requested by your office, we also compared the earnings for women and men who coach women's basketball at historically black and the other division I schools. We found that men had earned slightly more in average total compensation ($32,331) than women ($31,651) at historically black schools. However, women had a higher average total compensation ($47,871) than men ($42,706) at the other division I schools. Table 9 shows these results.

Table 9: Comparison of Compensation for Women and Men Coaching Women's Basketball

Income category	Average compensation at historically black schools		Average compensation at other schools	
	Women[a]	Men[a]	Women[b]	Men[b]
Base salary	$31,526	$30,266	$42,495	$36,725
Additional benefits	500	11,356	5,018	4,795
Outside income	[c]	[c]	6,471	7,018
Total earnings[d]	31,651	32,331	47,871	42,706

[a]The number of responding schools for women and men coaching women's basketball for each income category (in consecutive order) at historically black schools were 4, 1, 0, and 4 for women; and 11, 2, 0, and 11 for men.

[b]The number of responding schools for women and men coaching women's basketball for each income category (in consecutive order) at the other division I schools were 140, 90, 61, and 122 for women; and 75, 46, 30, and 69 for men.

[c]There were no individuals in this position receiving such income.

[d]Each of the income categories are averages. As a result, the numbers cited cannot be added together in determining the average total earnings.

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We would like to thank Mr. Richard Schultz, Executive Director of the NCAA, and his staff for their cooperation during our study. Also, we want to thank the division I schools that responded to our survey.

This concludes my testimony. I would be happy to answer any questions that you or other members of the Subcommittee may have.

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Mrs. COLLINS. Mr. Schultz.

STATEMENT OF RICHARD D. SCHULTZ

Mr. SCHULTZ. Thank you, Madam Chairwoman and members of the subcommittee.

Ms. Howlett and I appreciate the opportunity to appear here today and offer some association comments on the all-important subject of gender equity. We feel that this will, without a doubt, be one of the very primary issues not only in the NCAA but in other areas during the next year or so. We feel that these hearings do provide a very important function in providing an opportunity to take a look at how athletic interests are being represented, areas that need to be improved, and one of the items that we think is very important is to determine really what the role of a private association is in providing leadership and direction for members of its association who are the ones that really have to directly deal with this.

I am going to ask Ms. Howlett first to summarize some of the findings on the gender equity study, and then after she does this, I will make some following statements on where we are and what we intend to do.

STATEMENT OF PHYLLIS HOWLETT

Ms. HOWLETT. Thank you.

The NCAA, as you well understand, initiated a gender equity study which dealt with the 1990–91 association membership. It was conducted by the research staff of the NCAA and was conducted at the request of the National Association of Collegiate Women Athletic Administrators. The purpose was to analyze expenditures for men's and women's athletics programs at NCAA member institutions. As stated in the summary, an underlying assumption of the survey was that gender equity is a moral as well as a legal mandate or an imperative, and athletics administrators were asked to analyze the data in that context.

The summary disclosed that although female enrollment was, on average, equal to or slightly greater than that of males, participation of males in intercollegiate athletics exceeded females by ratios of about 2 to 1. As to scholarships assistance, institutions, on average, made assistance available in dollars to about the same ratio as participation—that is, 2 to 1. In terms of spending in general on male and female teams, spending for men's programs significantly exceeded the ratio of Division I, but in Divisions II and III recruiting expenses for male student athletes exceeded those for female student athletes by a very wide margin.

I believe that without too much doubt, spending for football, for which there is no comparable women's sport and in which there is comparatively very large average squad size, contributed greatly to the spending disparities.

As to coaching—and we understand the General Accounting Office has developed perhaps more comprehensive data than we sought—we found, on average, while the ratio of coaches to participants was about equal for men's and women's teams, salaries for

coaches of women's teams lagged behind those for men's teams in all divisions.

Much has been said in the press in recent weeks about the extent to which the survey summary demonstrates failure by some of our institutions to conform with the requirements of title IX. As we stated in the preface to the summary, the study was not taken with a view to measuring title IX compliance, and indeed much of the data is either not relevant to such an analysis or requires an imperfect measure of the average conformity to title IX.

If I were to summarize the results in title IX terms, I would say the survey appears to suggest in some respects that, such as provision of scholarship assistance, a complete understanding of what the law currently requires, but it also suggests that we have a long way to go in achieving overall compliance with law, not to speak of embracing the simple moral imperative of fairness and the provision of opportunity.

Mr. SCHULTZ. It is my understanding that I am also supposed to introduce Merrily Dean Baker, who is a member of our staff, and we are very pleased that she was just recently named the director of athletics at Michigan State University.

Merrily.

STATEMENT OF MERRILY DEAN BAKER

Ms. BAKER. Thank you, Dick.

Thank you, Madam Chairwoman and members of the committee. I am Merrily Dean Baker, and I currently serve as assistant executive director of administration with the NCAA. As Dick just indicated, I will be leaving that position shortly to assume new duties as director of athletics at Michigan State University in East Lansing, Michigan, and in so doing will join Barbara Hedges at the University of Washington as one of only two women who have been afforded an opportunity to serve in the position of director of athletics at a Division I institution.

While at the NCAA, my responsibilities have included a rather broad range of diversity. In addition to focusing on women's issues in intercollegiate athletics, my responsibilities have also included administration of several youth sports programs in the NCAA, with which I know the chairwoman is very familiar, the National Youth Sports Program that is one of those programs. I also am responsible for NCAA drug education and drug testing programs, post-graduate scholarship programs, the comprehensive NCAA research programs, conference grant program, and NCAA committees.

Hopefully, all of those activities, in combination with my previous experience as a collegiate coach and for several years as an administrator of women's programs at both Princeton University and the University of Minnesota will enable me to have the necessary diversity of experience in order to deal with the very complex and increasingly complex job of administering intercollegiate athletics programs at a major university.

Certainly I know that my job will be easier due to the leadership of Dr. John DiBiaggio, Michigan State University's president, who is a very enlightened educator and a vigorous participant in the

Knight Commission as it moves forward with its agenda, looking at reform currently under process inside the NCAA Association.

It has been a privilege to work at the NCAA during the time when the association, under the leadership of Dick Schultz, has begun the process of directing the attention of the membership to the many unsolved problems in the area of gender equity. It has been said before, and I will say it quickly again: I regard gender equity in intercollegiate athletics to be nothing short of a moral imperative, and I hope that the publication of the gender equity study recently released will be accepted for what I think it is, and that is a signal that the NCAA is prepared to address this issue head on and to provide the leadership to help its members do so as well.

Madam Chairwoman, I would like to congratulate and commend you and members of the subcommittee for taking the time to review these important issues and provide important leadership in helping to move the agenda forward. Much has been accomplished, but much more needs to be done. Gender equity is achievable across this great land, and the subcommittee's interest helps to assure that we will continue to move forward together and with a unified commitment.

Thank you.

Mrs. COLLINS. Mr. Schultz.

Mr. SCHULTZ. I will try to briefly summarize.

At our press conference several weeks ago when we announced the gender equity survey, President Judy Sweet made the statement that this is merely the first step in an intensified effort by our association to assist our members in improving the opportunities for women student athletes.

Also at that press conference, we announced the formation of a task force, and I said at that time that we are not interested in a task force to tell us what the problems are; we know what the problems are. We want a task force that will be very creative, we want a task force that will be made up of people with divergent opinions and concerns about gender equity, and we want them to help us provide solutions and answers to how we as an association and how our member institutions can move forward and be very productive in dealing with these gender equity issues.

We also have asked the Presidents Commission, and they have agreed to move gender equity forward on their agenda. It is one that they had slated for 1993, and at this last meeting last week they appointed Judith Albino, the president of the University of Colorado System, to head up their gender equity committee, and she also will serve on our task force, so that there will be close liaison between our task force and the Presidents Commission. We feel this is very important, because if this task force feels that there is legislation that should go forward that would help create situations within the association to advance gender equity on a fast track, then we want to be in a position to have strong support for that legislatively not only from the NCAA Council but also from the Presidents Commission.

We can talk about gender equity, and we can talk about making it soluble and something that we all want, and I have a personal commitment to that and to the improvement of opportunities for

minorities not only in coaching but in every other respect. We can talk about it, but the challenge in actually carrying this out is going to be a difficult one simply because of the situation we find higher education in today when it comes to finances.

I don't think that the simple solution should be to say, "OK, Athletic Department, it's your responsibility; fund all these programs." I think there has to be a commitment to gender equity outside of the athletic department as well. I would hate to see programs drastically cut and opportunities minimized not only for women but for men also just to achieve gender equity when I think that this commitment has to come from far more sources. I think institutions have to make a commitment to help fund these programs, perhaps States, perhaps even the Federal Government, to make sure that this happens, and these are some of the things we want our task force to look at. We hope that they can come up and create some very successful solutions.

As an association, as the executive director of that association, I want to be sure that we are very, very proactive in dealing with this particular situation, and, as you have heard before, we view it not just as a financial situation but a moral obligation as well. I'm committed to seeing that happen, I think our Presidents Commission is committed to seeing that happen, and we hope that we can move ahead.

Thank you for the opportunity to make these comments.

[Testimony resumes on p. 58.]

[The attachment to the prepared statement of Mr. Schultz follows:]

NCAA GENDER-EQUITY STUDY

In January 1991, the NCAA Council reviewed a resolution submitted by the National Association of Collegiate Women Athletic Administrators (NACWAA) requesting, among other things, that the NCAA undertake a study to analyze expenditures for women's and men's athletics programs. The Council forwarded the resolution to the NCAA Committee on Women's Athletics for review and recommendations. After review by this committee at its February 1991 meeting, staff members developed a draft survey form, which conformed to the specifications of the NACWAA request, and submitted it to the Council. An ad hoc group of Council and Committee on Women's Athletics members reviewed the draft and modified it to ensure its appropriateness for all divisions. Ultimately, three separate forms were developed, each designed specifically for one of the three NCAA membership divisions. The differences in the data collected for each of the three divisions were determined by ad hoc committee members from each of the three divisions. These forms were sent to the chief executive officers of the NCAA member institutions with a cover letter explaining the genesis and purpose of the study over the signatures of Richard D. Schultz, NCAA executive director; Judith M. Sweet, NCAA president; and R. Gerald Turner, chair of the NCAA Presidents Commission. The forms were mailed June 14, 1991, and a return date of July 12, 1991, was requested. A good many potential respondents asked for an extension of this deadline. On August 19, 1991, a follow-up letter was sent to the institutions that had not responded.

Usable questionnaires were received from 646 institutions, with the following breakdown:

I-A	98/106	92.4 percent
I-AA	72/89	80.9 percent
I-AAA	83/103	80.6 percent
II	166/218	76.2 percent
III	227/331	68.6 percent

Coding and Keying Procedures.

Upon receipt in the national office, the completed forms were given extensive review utilizing guidelines developed for the review. Among the guidelines were procedures for dealing with the following:

1. Omitted items. Calls were made to those institutions whose surveys contained omissions. In some cases, the data were simply unavailable. In those cases, the data were coded as "missing" values.

2. Two or more responses for one item. There were occasions, especially in the range of practice times, when two or more responses most adequately described the situation at a member institution. Telephone contact was made to try to ascertain the most common time.

3. Combined salaries. Coaches are often involved in more than one sport. Frequently, institutions were able to allocate amounts of salaries to each sport; when this was not possible, the salary was simply divided by the number of sports and allocated among the sports on an equal basis. This was the approach utilized where the coaches' responsibilities involved two or more teams of one gender or where they involved teams of each gender.

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- Combined operating expenses, recruiting expenses and scholarships. Cross country and track were so often combined in these areas that, after futile attempts to separate them, they were finally left as reported. The result is that expenditures for cross country, as reported here, are probably underestimated and the expenditures for track and field are probably overestimated. Totals, which report average by institution, reflect expenditures for both sports, and are, therefore, not distorted.

Analysis.

The data were keyed in 11 files and transferred from tape into a Paradox database. From Paradox, the SAS library of statistical packages was used to compile the descriptive statistics. In each case, the statistics were first run on a sport-by-sport basis: i.e., data from all institutions reporting sponsorship of a given sport were added together and means were computed for that sport. For the institutional averages, each institution's data in a given category (e.g., men's scholarships) were summed; these sums were then combined to produce a grand total. The grand total was divided by the number of institutions reporting to yield an average per institution.

If three or fewer institutions reported data in a given sport, those data were omitted from the tables. This occurred most often with regard to salary information.

Discussion.

The data can be evaluated from a variety of perspectives, and for that reason, care has been taken to avoid offering conclusions or commentary thereon. One such perspective is the view that gender equity in intercollegiate athletics represents a moral and not just a legal imperative, and that responsible administrators should analyze the data in that context, asking themselves if men and women student-athletes are indeed treated equally.

It must be noted, in this regard, that the data offer only a partial view of gender equity in intercollegiate athletics. They do not, for example, lend themselves to qualitative analysis: for example, they do not show whether one team receives new uniforms every three years, while another team's uniforms are replaced every year; or whether teams have comparable lodgings when they travel off campus. Equally important, perhaps, the data do not reflect policies and practices on any individual campus, but merely show average quantitative data by NCAA divisional category of institution.

The data can also be analyzed in terms of some of the requirements of Title IX as currently interpreted by regulation and Federal policies. In general, Title IX currently requires that athletics financial assistance be allocated in proportion to the number of male and female participants in intercollegiate athletics, that all other benefits accorded participants be equivalent, and that the athletics interests and abilities of enrolled women students be accommodated to the same degree as those of men.

Because the study was not designed with a view to measuring Title IX compliance, much of the data is either not relevant to such an analysis or represents an imperfect measure of average conformity to Title IX. Certain of the data, however, may give a rough indication of the extent to which NCAA members have responded on average to some of the requirements of the statute, specifically with reference to the relative provision of athletics financial assistance and coaching assistance to male and female student-athletes, as well as provision of equivalent competitive opportunities in like sports. It is again emphasized, however, that these quantitative data represent, even in these instances, only a limited measure on average of conformity to Title IX.

Finally, it is important again to recognize that the averages contained in the charts that follow do not represent an ideal against which an institution can measure itself -- either in terms of law or one's individual sense of gender equity -- rather, they represent only quantitative averages of certain current conditions at reporting institutions.

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TABLE 1

DIVISION I OVERALL PARTICIPANTS, GRANT EXPENSES, RATIOS, N = 253 INSTITUTIONS

NUMBER M	NUMBER W	MEN'S AND WOMEN'S SPORTS	Average Number of Participants Men	Average Number of Participants Women	Average Scholarship Expenses Men	Average Scholarship Expenses Women	Ratio of Male Participants to Female Participants	Ratio of Male Scholarship Exp. to Female Scholarship Exp.
224	146	Baseball/Softball	33.98	16.04	$78,336	$48,381	1.98:1	1.62:1
252	244	Basketball	15.03	13.34	$134,407	$105,873	1.13:1	1.18:1
233	233	Cross Country	13.67	11.13	$23,731	$23,417	1.23:1	1.01:1
20	20	Fencing	21.05	8.43	$13,633	$8,923	2.43:1	1.43:1
	57	Field Hockey		20.77		$73,147		
163		Football	108.07		$629,880			
7 (Div.II) 8 (Div.III)		Football -- multidivisional	97.65		$333,311			
227	92	Golf	11.82	9.07	$24,643	$33,343	1.30:1	.76:1
29	60	Gymnastics	13.33	13.13	$42,914	$61,603	1.19:1	.70:1
29		Ice Hockey	28.76		$166,400			
36	33	Lacrosse	38.36	23.96	$53,730	$28,379	1.48:1	1.89:1
19	9	Rifle	8.32	4.33	$11,337	$12,441	1.92:1	.91:1
10	9	Skiing	17.20	14.67	$41,955	$31,534	1.17:1	1.33:1
132	64	Soccer	26.48	23.34	$39,808	$47,511	1.39:1	1.38:1
135	141	Swimming	23.42	21.90	$37,861	$63,741	1.37:1	.89:1
235	237	Tennis	10.74	9.69	$28,474	$35,943	1.11:1	.80:1
203	203	Indoor/Outdoor Track	38.33	26.09	$70,006	$63,333	1.47:1	1.11:1
16	231	Volleyball	19.69	13.46	$34,019	$63,870	1.38:1	.33:1
36		Water Polo	23.34		$27,186			
83		Wrestling	28.84		$28,447			
18	30	Other	23.42	28.68	$29,947	$31,384	1.60:1	.97:1
		INSTITUTIONAL AVERAGE	330.10	111.71	$849,130	$373,000	2.24:1	1.28:1

TOTAL ENROLLMENT (Average) PER INSTITUTION, Men = 5,224 Women = 5,393 Ratio = 0.99:1

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TABLE 3

DIVISION I OVERALL GRANT RECIPIENTS, CONTESTS, OPERATING AND RECRUITING EXPENSES, N = 331 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Number Allowed Men	Scholarships Avg. No. Awarded in '90-91 Men (Equiv.)	Number Allowed Women	Scholarships Avg. No. Awarded in '90-91 Women (Equiv.)	Average Number of Students Receiving Athletics Aid Men	Women	Average Number of Contests Men	Women	Average Operating Expenses Men	Women	Average Recruiting Expenses Men	Women
Baseball/Softball	13	6.07	11	5.96	39.67	11.96	55.17	66.00	$40,992	$26,113	$3,370	$2,634
Basketball	13	13.03	15	11.96	13.44	13.43	30.74	27.30	$167,097	$68,444	$43,017	$24,960
Cross Country	14	2.33	14	3.09	7.33	6.46	7.36	7.00	$2,449	$2,679	$934	$710
Fencing	5	1.09	5	0.79	2.77	1.17	13.36	13.33	$13,275	$7,283	$418	$901
Field Hockey			11	5.96		13.13		18.74		$30,490		$2,677
Football	95/70	74.51			98.96		11.19		$400,014		$109,7	
Fb--multidivisional	60 (Div.II)	30.61			61.86		9.88		$64,799		$3,5	
Golf	5	3.07	6	4.34	7.67	7.06	13.48	13.33	$10,140	$10,698	$1,	
Gymnastics	7	4.38	10	7.14	7.79	8.71	13.48	13.07	$35,837	$30,734	$7,7	
Ice Hockey	20	13.00			16.43		31.69		$90,039		$17,5	
Lacrosse	14	3.09	11	3.03	10.00	3.39	14.39	13.36	$33,010	$16,998	$3,3	$913
Rifle	4	1.13		0.96	3.36	2.00	11.38	10.13	$7,331	$3,844	$6	$190
Rowing	7	4.06	7	3.37	8.03	6.36	10.76	11.11	$14,711	$13,343	$6	$532
Soccer	11	3.38	11	4.07	13.06	12.10	19.01	18.03	$33,371	$20,648	$3,0	
Swimming	11	5.96	14	6.06	13.04	13.33	13.01	13.77	$22,306	$20,713	$2,0	
Tennis	5	3.19	6	4.33	6.43	6.11	22.05	22.15	$16,189	$16,726	$1,0	
Indoor/Outdoor Track	*	8.31	*	8.09	17.71	14.66	16.09	16.06	$33,078	$29,126	$6,2	
Volleyball	6	5.36	12	7.79	9.13	9.96	30.06	30.06	$26,171	$27,611	$2,7	
Water Polo	5	3.13			3.99		21.06		$13,496		$1,3	
Wrestling	11	6.43			14.41		18.09		$27,446		$2,6	
Other		3.14		3.96	4.96	4.93	17.65	15.56	$8,7		$1,0	
INSTITUTIONAL AVERAGE		95.71		43.17	141.93	83.46	179.57	159.39	$615,0		$61,7	

*See cross country

TOTAL (Average) AMOUNT FULL ATHLETICS GRANT-IN-AID. Public Institutions: Instate = $5,444 Out-of-state = $8,771 Private = $10,0

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TABLE 3

DIVISION I OVERALL COACHING DATA, RATIOS, N = 233 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Percent Male	Head Coaches (Women's) Percent Female	Assistant Coaches (Men's) M Number	Assistant Coaches (Men's) F Number	Assistant Coaches (Women's) M Number	Assistant Coaches (Women's) F Number	Graduate Assistant Coaches (Men's) M Number	Graduate Assistant Coaches (Men's) F Number	Graduate Assistant Coaches (Women's) M Number	Graduate Assistant Coaches (Women's) F Number	Volunteer Asst. Coaches (Men's) M Number	Volunteer Asst. Coaches (Men's) F Number	Volunteer Asst. Coaches (Women's) M Number	Volunteer Asst. Coaches (Women's) F Number	Ratio of Participants to Coaches* M	Ratio of Participants to Coaches* F
Baseball/Softball	100%	70%	1.34	0.01	0.16	0.54	0.38	0.00	0.02	0.19	0.47	0.004	0.12	0.31	10.29:1	7.07:1
Basketball	100%	60%	2.37	0.00	0.42	1.21	0.69	0.01	0.05	0.49	0.37	0.004	0.09	0.13	3.2[illegible]	[illegible]
Cross Country	98%	18%	0.36	0.03	0.23	0.09	0.17	0.02	0.09	0.04	0.16	0.03	0.08	0.07	7.[illegible]	[illegible]
Fencing	84%	28%	0.47	0.03	0.44	0.17	0.00	0.00	0.04	0.00	0.36	0.00	0.17	0.00	11.[illegible]	[illegible]
Field Hockey		98%			0.04	0.84			0.02	0.23			0.09	0.11	[illegible]	[illegible]
Football	100%		7.72	0.00			3.08	0.02			0.62	0.00			0.68:1	[illegible]
Fib--multidivisional	100%		5.71	0.00			0.88	0.00			0.96	0.00			10.26:1	[illegible]
Golf	99%	64%	0.11	0.02	0.06	0.10	0.04	0.00	0.02	0.01	0.06	0.00	0.01	0.04	9.[illegible]	[illegible]
Gymnastics	100%	47%	0.39	0.00	0.81	0.37	0.24	0.03	0.10	0.31	0.10	0.00	0.03	0.03	7.03:1	[illegible]
Ice Hockey	100%		1.97	0.00			0.31	0.00			0.31	0.00			8.01:1	[illegible]
Lacrosse	100%	95%	1.29	0.00	0.00	1.14	0.37	0.00	0.00	0.14	0.49	0.00	0.05	0.00	13.10:1	[illegible]
Rifle	95%	17%	0.13	0.00	0.00	0.00	0.00	0.05	0.00	0.17	0.31	0.03	0.47	0.17	3.70:1	[illegible]
Skiing	100%	0%	1.00	0.11	1.39	0.14	0.00	0.00	0.00	0.00	0.11	0.00	0.00	0.00	7.75:1	[illegible]
Soccer	100%	19%	0.84	0.00	0.32	0.81	0.31	0.03	0.09	0.14	0.19	0.00	0.16	0.03	11.[illegible]	[illegible]
Swimming	93%	17%	0.13	0.33	0.93	0.33	0.31	0.05	0.13	0.19	0.14	0.03	0.10	0.[illegible]	[illegible]	[illegible]
Tennis	98%	30%	0.34	0.04	0.16	0.14	0.11	0.01	0.00	0.00	0.00	0.00	0.00	0.[illegible]	[illegible]	[illegible]
Indoor/Outdoor Track	99%	30%	1.34	0.17	0.84	0.33	0.37	0.05	0.13	0.13	0.16	0.03	0.10	[illegible]	[illegible]	[illegible]
Volleyball	100%	60%	1.06	0.00	0.37	0.43	0.13	0.00	0.09	0.23	0.06	0.00	0.06	0.[illegible]	[illegible]	[illegible]
Water Polo	96%		0.33	0.00			0.04	0.00			0.38	0.00	0.[illegible]	[illegible]	[illegible]	[illegible]
Wrestling	100%		0.90	0.00			0.31	0.00			0.[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Other	83%	40%	1.39	1.00	1.48	1.33	1.16	1.00	1.00	1.00	1.16	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
INSTITUTIONAL AVERAGE	98.05%	44.05%	13.06	0.37	2.61	3.08	4.34	0.15	0.50	1.34	3.33	0.[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

*Coaching figures are not equivalencies; they include full and part time, graduate assistants and volunteers.

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TABLE 4

DIVISION I OVERALL COACHING SALARIES, N = 333 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Average Base Salary	Head Coaches (Women's) Average Base Salary	Assistant Coaches (Men's) Average Combined Salaries	Assistant Coaches (Women's) Average Combined Salaries
Baseball/Softball	$36,136	$21,169	$29,646	$13,399
Basketball	$71,311	$39,177	$79,211	$33,677
Cross Country	$15,070	$12,939	$13,539	$13,985
Fencing	$11,810	$11,778	$7,740	$7,076
Field Hockey		$21,803		$8,519
Football	$81,574		$315,693	
Gym--multidivisional	$38,730		$36,738	
Golf	$10,049	$10,343	$11,070	$7,738
Gymnastics	$37,313	$20,836	$20,234	$16,638
Ice Hockey	$43,569		$44,881	
Lacrosse	$33,056	$10,613	$17,137	$6,033
Rifle	$9,668	$6,581		
Skiing	$16,638	$17,038	$10,939	$10,394
Soccer	$24,184	$17,647	$9,636	$8,277
Swimming	$22,033	$21,876	$17,336	$16,063
Tennis	$17,131	$16,585	$8,068	$7,231
Indoor/Outdoor Track	$26,333	$23,444	$23,768	$16,851
Volleyball	$26,087	$24,889	$16,398	$16,691
Water Polo	$10,161		$6,933	
Wrestling	$20,200		$17,277	
Other	$26,378	$20,103	$20,[illegible]	
INSTITUTIONAL AVERAGE	$373,037	$149,740	$383,339	

TOTAL COACHING EXPENSE PER PARTICIPANT (Average per institution), Men = $2,399.38 Women = [illegible]

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TABLE 1

DIVISION I-A PARTICIPANTS, GRANT EXPENSES, RATIOS, N = 98 INSTITUTIONS

NUMBER M	NUMBER W	MEN'S AND WOMEN'S SPORTS	Average Number of Participants Men	Average Number of Participants Women	Average Scholarship Expenses Men	Average Scholarship Expenses Women	Ratio of Male Participants to Female Participants	Ratio of Male Scholarship Exp to Female Scholarship Exp
91	54	Baseball/Softball	37.08	17.74	$94,783	$69,086	2.09:1	1.37:1
98	96	Basketball	15.38	13.89	$122,119	$109,309	1.11:1	1.12:1
91	89	Cross Country	15.82	12.35	$25,564	$27,564	1.28:1	.93:1
9	7	Fencing	22.75	8.80	$9,498	$3,423	2.59:1	2.77:1
	22	Field Hockey		19.26		$86,313		
94		Football	117.03		$707,986			
91	59	Golf	13.68	9.49	$33,053	$37,798	1.44:1	.87:1
24	42	Gymnastics	15.87	13.45	$48,737	$67,658	1.18:1	.72:1
13		Ice Hockey	29.08		$156,696			
11	4	Lacrosse	40.67	25.75	$73,044	$25,883	1.58:1	2.82:1
5	3	Rifle	30.11	3.67	$10,811	$19,018	2.75:1	.60:1
5	5	Skiing	16.00	11.20	$41,550	$38,960	1.43:1	1.07:1
46	21	Soccer	29.13	23.36	$54,957	$49,801	1.25:1	1.13:1
72	73	Swimming	28.77	23.64	$73,645	$85,441	1.22:1	.86:1
87	90	Tennis	11.57	9.43	$37,665	$52,840	1.30:1	.71:1
91	89	Indoor/Outdoor Track	44.63	29.83	$84,306	$79,621	1.50:1	1.06:1
8	91	Volleyball	21.50	13.18	$29,396	$84,472	1.63:1	.35:1
10		Water Polo	26.00		$31,460			
44		Wrestling	31.30		$70,175			
9	9	Other	60.53	38.12	$36,225	$26,595	1.59:1	1.36:1
		INSTITUTIONAL AVERAGE	322.85	129.83	$1,291,118	$505,246	2.49:1	2.56:1

TOTAL ENROLLMENT (Average) PER INSTITUTION, Men = 8,551 Women = 9,152 Ratio = 1.05:1

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TABLE 4

DIVISION I-A GRANT RECIPIENTS, CONTESTS, OPERATING AND RECRUITING EXPENSES, N = 98 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	SCHOLARSHIPS				Average Number of Students Receiving Athletics Aid		Average Number of Contests		Average Operating Expenses		Average Recruiting Expenses	
	Number Allowed Men	Avg. No. Awarded in '98-'01 Men (Equiv.)	Number Allowed Women	Avg. No. Awarded in '98-'01 Women (Equiv.)	Men	Women	Men	Women	Men	Women	Men	Women
Baseball/Softball	13	11.96	12	9.67	23.66	16.13	58.11	48.70	$66,068	$38,618	$9,068	$4,331
Basketball	13	13.13	15	12.33	13.49	12.83	28.21	28.16	$233,604	$79,797	$67,877	$21,758
Cross Country	14	3.90	16	3.68	7.36	6.38	6.99	6.75	$13,304	$13,739	$1,301	$1,143
Fencing	5	0.96	5	0.36	2.32	0.63	14.00	14.40	$14,644	$8,388	$106	$880
Field Hockey			12	7.06		15.09		19.13		$24,313		$3,393
Football	95	88.56			89.98		11.24		$579,317		$166,963	
Golf	3	3.95	6	5.33	9.12	7.30	14.24	12.30	$27,761	$23,684	$1,781	$2,883
Gymnastics	7	5.15	10	8.24	8.31	9.34	12.65	12.26	$30,234	$33,892	$3,268	$4,078
Ice Hockey	20	13.07			18.31		34.85		$120,365		$21,664	
Lacrosse	14	5.61	11	2.36	12.55	6.33	14.75	15.00	$47,351	$23,866	$5,939	$493
Rifle	4	0.99		1.45	1.68	2.67	12.38	10.40	$8,618	$6,080	$883	$1,035
Skiing	7	4.46	7	6.14	9.40	8.60	13.20	13.20	$17,153	$17,350	$350	$300
Soccer	11	5.78	11	6.84	13.39	13.33	20.47	18.38	$28,934	$23,381	$3,603	$3,434
Swimming	11	7.73	14	9.38	15.68	10.00	14.37	14.37	$90,339	$58,260	$6,310	$6,103
Tennis	5	3.98	8	6.09	7.11	6.92	26.86	25.10	$27,301	$23,660	$2,831	$2,834
Indoor/Outdoor Track	*	10.27	*	9.93	21.86	17.01	16.86	15.75	$67,838	$38,636	$6,196	$5,434
Volleyball	5	3.06	12	9.99	10.00	10.75	30.17	30.14	$30,728	$39,213	$2,158	$8,073
Water Polo	3	2.37			7.50		31.67		$17,362		$3,301	
Wrestling	11	7.96			10.36		19.03		$35,523		$6,153	
Other		3.33		3.18	3.33	5.67	18.00	13.00	$32,896	$24,113	$1,238	$1,318
INSTITUTIONAL AVERAGE		143.33		98.18	193.19	88.17	381.38	183.66	$1,060,015	$363,378	$288,906	$69,406

*See cross country

TOTAL (Average) AMOUNT FULL ATHLETICS GRANT IN AID: Public Institutions: Instate = $5,601 Out of state = $9,384 Private Institutions = $13,788

Table I

DIVISION I A COACHING DATA, RATIOS, N = 98 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Percent Male	Head Coaches (Women's) Percent Female	Assistant Coaches (Men's) Number M	F	Assistant Coaches (Women's) Number M	F	Graduate Assistant Coaches (Men's) Number M	F	Graduate Assistant Coaches (Women's) Number M	F	Volunteer Asst. Coaches (Men's) Number M	F	Volunteer Asst. Coaches (Women's) Number M	F	Ratio of Participants to Coaches* M	F
Baseball/Softball	100%	83%	1.65	0.03	0.31	0.75	0.42	0.00	0.00	0.32	0.37	0.00	0.06	0.11	10.69:1	7.24:1
Basketball	100%	87%	2.49	0.00	0.10	1.63	0.83	0.02	0.05	0.59	0.37	0.01	0.05	0.07	3.26:1	3.76:1
Cross Country	87%	26%	0.42	0.00	0.22	0.08	0.30	0.00	0.18	0.08	0.12	0.03	0.10	0.05	8.46:1	7.22:1
Fencing	75%	30%	0.42	0.08	0.40	0.20	0.00	0.00	0.10	0.00	0.17	0.00	0.20	0.00	13.62:1	4.63:1
Field Hockey		100%			0.00	0.68			0.00	0.36			0.05	0.05		9.00:1
Football	100%		8.85	0.00			3.98	0.00			0.64	0.00			8.09:1	
Golf	99%	74%	0.14	0.04	0.07	0.14	0.08	0.00	0.01	0.03	0.03	0.00	0.00	0.07	10.60:1	7.14:1
Gymnastics	100%	69%	0.76	0.00	0.68	0.32	0.22	0.06	0.10	0.22	0.09	0.00	0.05	0.02	7.59:1	5.63:1
Ice Hockey	100%		2.31	0.00			0.54	0.00			0.31	0.00			8.99:1	
Lacrosse	100%	100%	1.50	0.00	0.00	1.00	0.42	0.00	0.00	0.25	0.17	0.00	0.00	0.00	13.16:1	11.44:1
Rifle	89%	33%	0.20	0.00	0.00	0.00	0.00	0.11	0.00	0.33	0.44	0.11	1.33	0.33	5.44:1	1.23:1
Skiing	100%	0%	1.20	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.20	0.00	0.00	0.00	6.67:1	5.80:1
Soccer	100%	32%	0.76	0.00	0.50	0.23	0.22	0.04	0.23	0.27	0.20	0.00	0.14	0.00	13.12:1	9.86:1
Swimming	97%	18%	1.34	0.23	1.06	0.62	0.41	0.06	0.18	0.27	0.09	0.04	0.05	0.09	9.08:1	7.70:1
Tennis	100%	41%	0.40	0.02	0.26	0.32	0.19	0.00	0.11	0.11	0.06	0.00	0.07	0.04	8.93:1	5.37:1
Indoor/Outdoor Track	99%	22%	1.71	0.31	1.17	0.49	0.62	0.05	0.10	0.31	0.27	0.01	0.10	0.05	12.16:1	9.26:1
Volleyball	100%	46%	0.88	0.00	0.38	0.59	0.12	0.00	0.10	0.29	0.00	0.00	0.08	0.03	10.75:1	5.36:1
Water Polo	100%		0.44	0.00			0.11	0.00			0.00	0.00			16.77:1	
Wrestling	100%		1.18	0.00			0.71	0.00			0.40	0.00			9.51:1	
Other	96%	60%	2.30	1.00	1.33	1.14	1.00	1.00	0.00	1.00	1.25	1.00	3.00	1.33	7.08:1	4.35:1
INSTITUTIONAL AVERAGE	98.65%	47.45%	17.95	0.49	3.62	3.88	6.81	0.16	0.64	1.89	2.24	0.08	0.55	0.48	11.24:1	10.77:1

*Coaching figures are not equivalencies; they include full and part time, graduate assistants and volunteers.

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TABLE 8

DIVISION I A COACHING SALARIES, N = 98 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Average Base Salary	Head Coaches (Women's) Average Base Salary	Assistant Coaches (Men's) Average Combined Salaries	Assistant Coaches (Women's) Average Combined Salaries
Baseball/Softball	$43,466	$30,781	$36,011	$17,176
Basketball	$88,984	$45,847	$95,855	$46,060
Cross Country	$22,183	$18,412	$24,311	$19,951
Fencing	$13,306	$12,361	$9,801	$9,611
Field Hockey		$24,492		$9,511
Football	$99,429		$419,651	
Golf	$27,772	$22,672	$18,581	$8,612
Gymnastics	$31,340	$32,187	$20,256	$18,991
Ice Hockey	$53,397		$58,401	
Lacrosse	$35,204	$24,453	$28,549	$9,241
Rifle	$14,111	$8,211	$0	$0
Skiing	$17,570	$17,200	$19,780	$18,991
Soccer	$31,095	$21,660	$19,402	$10,831
Swimming	$27,026	$25,590	$22,803	$19,247
Tennis	$26,613	$23,803	$11,573	$10,143
Indoor/Outdoor Track	$32,406	$27,841	$34,076	$27,659
Volleyball	$32,739	$32,200	$19,022	$24,020
Water Polo	$24,623		$14,284	
Wrestling	$33,152		$22,182	
Other	$34,889	$22,345	$34,966	$14,000
INSTITUTIONAL AVERAGE	$308,791	$208,106	$624,312	$118,897

TOTAL COACHING EXPENSE PER PARTICIPANT (Average per institution), Men = $1,182.78 Women = $2,503.30

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TABLE 3

DIVISION I AA PARTICIPANTS, GRANT EXPENSES, RATIOS, N = 72 INSTITUTIONS

NUMBER M	NUMBER W	MEN'S AND WOMEN'S SPORTS	Average Number of Participants Men	Average Number of Participants Women	Average Scholarship Expenses Men	Average Scholarship Expenses Women	Ratio of Male Participants to Female Participants	Ratio of Male Scholarship Exp to Female Scholarship Exp
61	36	Baseball/Softball	30.20	17.36	$50,776	$29,605	1.74:1	1.72:1
72	72	Basketball	15.18	13.38	$98,128	$81,847	1.13:1	1.20:1
67	66	Cross Country	13.54	11.02	$19,552	$19,895	1.23:1	98:1
4	5	Fencing	23.25	9.20	$0	$0	2.53:1	
	21	Field Hockey		22.10		$71,776		
69		Football	96.18		$484,766			
61	14	Golf	11.80	8.43	$17,423	$20,439	1.30:1	85:1
3	11	Gymnastics	12.67	12.27	$18,600	$47,004	1.03:1	40:1
9		Ice Hockey	27.44		$150,865			
10	13	Lacrosse	19.30	14.85	$15,471	$20,886	1.58:1	74:1
		Rifle						
		Skiing						
33	14	Soccer	26.88	22.36	$30,660	$35,410	1.20:1	1.43:1
30	30	Swimming	24.33	21.90	$39,627	$42,659	1.11:1	93:1
67	68	Tennis	10.03	9.18	$19,732	$22,781	1.09:1	87:1
88	70	Indoor/Outdoor Track	38.66	25.33	$47,630	$46,757	1.45:1	1.02:1
	67	Volleyball		12.54		$43,731		
		Water Polo						
20		Wrestling	28.65		$42,000			
4	6	Other	72.50	36.20	$33,090	$46,209	2.00:1	72:1
		INSTITUTIONAL AVERAGE	252.16	109.42	$732,259	$239,865	2.30:1	2.79:1

TOTAL ENROLLMENT (Average) PER INSTITUTION, Men = 4,139 Women = 5,491 Ratio = 0.92:1

TABLE 18

DIVISION I-AA GRANT RECIPIENTS' CONTESTS, OPERATING AND RECRUITING EXPENSES (N = 73 INSTITUTIONS)

MEN'S AND WOMEN'S SPORTS	SCHOLARSHIPS: Number Allowed Men	SCHOLARSHIPS: Avg. No Awarded In '90-91 Men (Equiv.)	SCHOLARSHIPS: Number Allowed Women	SCHOLARSHIPS: Avg. No Awarded In '90-91 Women (Equiv.)	Average Number of Students Receiving Athletics Aid: Men	Average Number of Students Receiving Athletics Aid: Women	Average Number of Contests: Men	Average Number of Contests: Women	Average Operating Expenses: Men	Average Operating Expenses: Women	Average Recruiting Expenses: Men	Average Recruiting Expenses: Women
Baseball/Softball	19	7.60	11	5.16	18.78	10.73	50.76	46.25	$37.183	$10.271	$2.467	$1.761
Basketball	15	12.00	15	11.08	13.20	12.07	28.40	27.46	$109.896	$48.125	$21.078	$8.913
Cross Country	14	3.85	10	3.15	7.16	6.32	7.00	7.06	$10.036	$8.881	$715	$601
Fencing	5	0.00	5	0.00	0.00	0.00	11.25	11.80	$11.402	$9.919	$111	$2.091
Field Hockey			12	5.81		12.50		18.49		$10.617		$3.148
Football	70	62.04			78.65		11.10		$197.118		$36.378	
Golf	5	3.93	6	5.04	6.64	6.60	12.25	11.01	$13.617	$13.115	$770	$779
Gymnastics	7	1.07	10	4.89	7.30	7.50	13.00	12.27	$13.399	$10.615	$669	$2.334
Ice Hockey	20	9.89			11.38		31.33		$77.708		$15.883	
Lacrosse	14	1.52	12	1.59	6.11	6.08	14.70	14.92	$31.249	$10.806	$2.583	$1.187
Rifle												
Skiing												
Soccer	11	4.93	15	3.13	11.97	7.67	19.21	17.16	$24.101	$23.824	$2.673	$1.858
Swimming	11	3.75	16	3.64	9.69	9.66	15.89	15.37	$17.153	$16.705	$1.917	$1.171
Tennis	4	2.07	8	3.38	5.75	5.38	31.45	30.96	$10.223	$10.360	$588	$730
Indoor/Outdoor Track	*	7.63	*	7.39	15.31	13.39	16.75	16.69	$24.353	$23.291	$1.713	$1.458
Volleyball	5		12	6.94		9.53		28.91		$21.369		$2.850
Water Polo												
Wrestling	11	4.75			11.85		18.95		$19.455		$2.187	
Other		3.26		3.76	5.35	7.83	33.25	32.90	$40.883	$25.056	$2.336	$997
INSTITUTIONAL AVERAGE		98.04		55.62	143.15	96.01	163.89	141.93	$413.664	$139.131	$70.787	$16.396

*See cross country

TOTAL (Average) AMOUNT FULL ATHLETICS GRANT-IN-AID: Public Institutions: Instate = $6,776 Out of state = $7,617 Private Institutions = $15,759

TABLE 11

DIVISION I AA COACHING DATA, RATIOS, N = 72 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Percent Male	Head Coaches (Women's) Percent Female	Assistant Coaches (Men's) M	Assistant Coaches (Men's) F	Assistant Coaches (Women's) M	Assistant Coaches (Women's) F	Graduate Assistant Coaches (Men's) M	Graduate Assistant Coaches (Men's) F	Graduate Assistant Coaches (Women's) M	Graduate Assistant Coaches (Women's) F	Volunteer Asst. Coaches (Men's) M	Volunteer Asst. Coaches (Men's) F	Volunteer Asst. Coaches (Women's) M	Volunteer Asst. Coaches (Women's) F	Ratio of Participants to Coaches* M	Ratio of Participants to Coaches* F
			Number		Number		Number		Number		Number		Number			
Baseball/Softball	100%	72%	0.85	0.00	0.08	0.33	0.49	0.00	0.06	0.19	0.47	0.00	0.14	0.06	10.75:1	9.33:1
Basketball	100%	81%	2.23	0.00	0.25	1.17	0.60	0.00	0.01	0.50	0.37	0.00	0.12	0.15	3.81:1	6.10:1
Cross Country	100%	14%	0.40	0.09	0.32	0.07	0.16	0.04	0.05	0.11	0.18	0.02	0.05	0.11	7.16:1	8.46:1
Fencing	100%	25%	0.50	0.00	0.50	0.00	0.00	0.00	0.00	0.00	0.25	0.00	0.25	0.00	13.29:1	5.26:1
Field Hockey		100%			0.05	1.00			0.00	0.19			0.00	0.16		9.29:1
Football	100%		6.29	0.00			1.80	0.05			0.60	0.00			9.84:1	
Golf	98%	53%	0.07	0.00	0.00	0.07	0.02	0.00	0.00	0.00	0.10	0.00	0.00	0.00	9.24:1	7.88:1
Gymnastics	100%	63%	0.00	0.00	0.53	0.53	0.33	0.00	0.18	0.18	0.00	0.00	0.00	0.00	9.53:1	4.99:1
Ice Hockey	100%		1.89	0.00			0.00	0.00			0.33	0.00			8.52:1	
Lacrosse	100%	100%	1.30	0.00	0.00	1.08	0.40	0.00	0.00	0.17	0.60	0.00	0.08	0.00	11.91:1	10.67:1
Rifle																
Skiing																
Soccer	100%	21%	0.79	0.00	0.57	0.21	0.33	0.00	0.00	0.14	0.18	0.00	0.21	0.00	11.89:1	10.30:1
Swimming	83%	23%	0.87	0.23	0.77	0.33	0.30	0.10	0.20	0.13	0.13	0.00	0.13	0.03	9.21:1	8.46:1
Tennis	97%	36%	0.15	0.05	0.11	0.05	0.06	0.03	0.11	0.11	0.06	0.00	0.03	0.03	7.43:1	8.26:1
Indoor/Outdoor Track	100%	26%	0.75	0.13	0.58	0.25	0.41	0.07	0.15	0.25	0.31	0.06	0.15	0.13	13.43:1	10.17:1
Volleyball		68%			0.14	0.36			0.09	0.23			0.11	0.06		8.30:1
Water Polo																
Wrestling	100%		0.81	0.00			0.29	0.00			0.14	0.00			12.79:1	
Other	93%	58%	4.00	1.00	1.20	1.50	1.00	0.00	0.00	0.00	2.50	4.00	1.00	0.00	5.37:1	7.70:1
INSTITUTIONAL AVERAGE	98.44%	48.75%	11.92	0.32	1.84	2.87	3.79	0.21	0.49	1.36	2.22	0.11	0.62	0.49	12.89:1	12.69:1

*Coaching figures are not equivalencies, they include full and part time, graduate assistants and volunteers

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TABLE 12

DIVISION I AA COACHING SALARIES, N = 72 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Average Base Salary	Head Coaches (Women's) Average Base Salary	Assistant Coaches (Men's) Average Combined Salaries	Assistant Coaches (Women's) Average Combined Salaries
Baseball/Softball	$28.034	$20,700	$14.920	$8.310
Basketball	$34,907	$35,833	$50.084	$20.436
Cross Country	$10.882	$16.385	$14.956	$22.364
Fencing	$13.360	$14.741		$7.690
Field Hockey		$22.863		$8.953
Football	$37.519		$178.959	
Golf	$12.665	$11.084	$2.752	
Gymnastics	$11.931	$23.493	$0	$15.371
Ice Hockey	$63.385		$38.698	
Lacrosse	$26.436	$15.748	$14.450	$7.250
Rifle				
Skiing				
Soccer	$22.643	$17.962	$7.597	$3.705
Swimming	$25.505	$20.795	$13.766	$13.939
Tennis	$12.728	$13.123	$5.222	$5.080
Indoor/Outdoor Track	$33.639	$22.306	$17.319	$14.937
Volleyball		$21.489		$12.119
Water Polo				
Wrestling	$26,600		$16.545	
Other	$63.332	$39.605	$23.470	$13.161
INSTITUTIONAL AVERAGE	$225.483	$130.401	$275.944	$61.226

TOTAL COACHING EXPENSE PER PARTICIPANT (Average per Institution), Men = $1,988.12 Women = $1,751.20

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TABLE 11

DIVISION I-AAA PARTICIPANTS, GRANT EXPENSES, RATIOS (N = 83 INSTITUTIONS)

NUMBER M	NUMBER W	MEN'S AND WOMEN'S SPORTS	Average Number of Participants Men	Average Number of Participants Women	Average Scholarship Expenses Men	Average Scholarship Expenses Women	Ratio of Male Participants to Female Participants	Ratio of Male Scholarship Exp to Female Scholarship Exp.
72	56	Baseball/Softball	30.17	15.62	$80,398	$39,330	1.93:1	2.04:1
82	79	Basketball	14.54	12.63	$150,214	$123,291	1.15:1	1.22:1
78	76	Cross Country	11.57	9.87	$25,530	$22,993	1.17:1	1.11:1
4	5	Fencing	13.75	7.80	$39,378	$20,475	1.76:1	1.92:1
	13	Field Hockey		21.31		$51,178		
7 (Div. II) 8 (Div. III)		Football -- multidivisional	97.63		$232,511			
75	17	Golf	10.24	8.36	$18,679	$24,513	1.27:1	.75:1
3	7	Gymnastics	16.00	12.43	$12,540	$46,126	1.29:1	.27:1
7		Ice Hockey	29.86		$132,486			
14	6	Lacrosse	33.71	28.50	$66,918	$49,608	1.25:1	1.35:1
8	3	Rifle	6.88	5.67	$11,125	$4,075	1.21:1	2.73:1
3	2	Skiing	18.33	24.50	$61,713	$54,910	.75:1	1.12:1
73	28	Soccer	24.66	21.56	$66,045	$52,331	1.14:1	1.26:1
34	38	Swimming	19.67	18.18	$37,788	$38,681	1.07:1	.98:1
78	78	Tennis	10.38	10.17	$23,164	$26,474	1.02:1	.95:1
44	44	Indoor/Outdoor Track	27.41	19.73	$69,907	$52,501	1.39:1	1.33:1
8	73	Volleyball	17.88	11.49	$34,135	$56,137	1.56:1	.61:1
11		Water Polo	20.92		$38,591			
17		Wrestling	22.41		$46,756			
5	5	Other	38.33	26.33	$16,131	$33,013	3.46:1	.78:1
		INSTITUTIONAL AVERAGE	160.99	92.09	$420,640	$311,224	1.75:1	1.38:1

TOTAL ENROLLMENT (Average) PER INSTITUTION. Men = 3,554 Women = 2,927 Ratio = 0.87:1

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TABLE 14

DIVISION I-AAA GRANT RECIPIENTS, CONTESTS, OPERATING AND RECRUITING EXPENSES, N = 93 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	SCHOLARSHIPS						Average Number of Contests		Average Operating Expenses		Average Recruiting Expenses	
	Number Allowed Men	Avg. No. Awarded in '90-91 Men (Equiv.)	Number Allowed Women	Avg. No. Awarded in '90-91 Women (Equiv.)	Average Number of Students Receiving Athletics Aid Men	Women	Men	Women	Men	Women	Men	Women
Baseball/Softball	13	7.16	11	2.79	10.70	10.68	55.23	44.52	$37,510	$13,944	$3,044	$1,163
Basketball	15	13.77	13	10.68	13.51	13.27	28.49	27.06	$151,662	$49,267	$36,221	$8,978
Cross Country	14	2.58	10	2.33	7.28	6.66	7.07	7.47	$7,749	$6,006	$819	$607
Fencing	3	2.73	3	1.36	0.00	2.75	12.75	12.40	$6,424	$5,601	$75	$641
Field Hockey			11	3.90		10.38		18.46		$13,424		$1,317
Fb--multidivisional	60	30.61			62.06		9.88		$64,799		$5,589	
Golf	5	1.89	4	2.33	4.35	4.04	14.12	14.39	$11,071	$11,636	$383	$943
Gymnastics	7	1.74	10	3.80	4.67	7.37	10.67	10.71	$13,190	$13,706	$253	$677
Ice Hockey	20	7.40			9.20		26.29		$33,360		$9,304	
Lacrosse	14	6.13	11	2.37	14.30	8.00	13.86	16.17	$21,675	$13,003	$1,672	$657
Rifle	4	1.11		0.22	3.00	3.00	10.12	9.67	$3,453	$3,299	$294	$175
Skiing	7	4.67	7	5.06	8.50	7.00	10.00	11.50	$13,293	$13,440	$500	$0
Soccer	11	5.76	11	3.94	17.57	13.94	19.67	18.25	$23,736	$17,369	$2,471	$3,359
Swimming	11	3.61	10	3.67	9.91	10.06	19.38	19.13	$10,265	$9,623	$1,001	$693
Tennis	5	3.37	8	3.66	6.13	5.81	23.47	20.90	$8,948	$8,804	$304	$568
Indoor/Outdoor Track	*	6.21	*	4.76	13.69	10.73	16.26	15.47	$23,332	$17,335	$1,638	$1,133
Volleyball	5	2.96	12	5.78	7.14	9.07	33.88	30.60	$31,814	$18,517	$639	$3,137
Water Polo	3	2.63			5.00		33.00		$9,333		$173	
Wrestling	11	6.61			12.25		18.67		$13,478		$1,306	
Other		1.09		1.33	4.20	4.66	14.38	13.50	$11,061	$9,866	$417	$617
INSTITUTIONAL AVERAGE		37.63		38.06	81.53	53.85	168.38	143.76	$374,745	$113,846	$63,137	$33,187

*See cross country

TOTAL (Average) AMOUNT FULL ATHLETICS GRANT IN AID, Public Institutions: Instate = $5,971 Out of state = $9,413 Private Institutions = $10,903

TABLE 11

DIVISION I AAA COACHING DATA, RATIOS, N = 93 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Percent Male	Head Coaches (Women's) Percent Female	Assistant Coaches (Men's) Number M	Assistant Coaches (Men's) Number F	Assistant Coaches (Women's) Number M	Assistant Coaches (Women's) Number F	Graduate Assistant Coaches (Men's) Number M	Graduate Assistant Coaches (Men's) Number F	Graduate Assistant Coaches (Women's) Number M	Graduate Assistant Coaches (Women's) Number F	Volunteer Asst. Coaches (Men's) Number M	Volunteer Asst. Coaches (Men's) Number F	Volunteer Asst. Coaches (Women's) Number M	Volunteer Asst. Coaches (Women's) Number F	Ratio of Participants to Coaches* M	Ratio of Participants to Coaches* F
Baseball/Softball	100%	58%	1.34	0.00	0.18	0.47	0.24	0.00	0.02	0.07	0.59	0.01	0.16	0.14	9.43:1	7.73:1
Basketball	100%	47%	2.34	0.00	0.47	0.99	0.59	0.01	0.08	0.35	0.38	0.00	0.10	0.18	3.37:1	3.98:1
Cross Country	97%	17%	0.30	0.05	0.17	0.11	0.11	0.02	0.08	0.02	0.22	0.02	0.09	0.06	6.73:1	6.45:1
Fencing	100%	25%	0.67	0.00	0.50	0.25	0.00	0.00	0.00	0.00	0.67	0.00	0.00	0.00	5.88:1	4.46:1
Field Hockey		92%			0.08	0.92			0.08	0.08			0.00	0.15		9.23:1
Ftb--multidivisional	100%		5.71	0.00			0.88	0.00			0.94	0.00			10.28:1	
Golf	99%	41%	0.10	0.00	0.04	0.00	0.01	0.00	0.00	0.00	0.07	0.00	0.06	0.00	8.68:1	7.20:1
Gymnastics	100%	43%	0.00	0.00	0.29	0.43	0.33	0.00	0.00	0.14	0.33	0.00	0.00	0.00	9.66:1	6.68:1
Ice Hockey	100%		1.43	0.00			0.29	0.00			0.29	0.00			9.92:1	
Lacrosse	100%	80%	1.08	0.00	0.00	1.40	0.31	0.00	0.00	0.00	0.69	0.00	0.00	0.00	11.59:1	11.88:1
Rifle	100%		0.12	0.00			0.00	0.00			0.00	0.00			6.14:1	5.67:1
Skiing	100%		1.00	0.00			0.00	0.00			0.00	0.00			9.17:1	24.50:1
Soccer	100%	7%	0.90	0.00	0.50	0.63	0.15	0.01	0.04	0.04	0.19	0.00	0.14	0.04	10.96:1	9.84:1
Swimming	94%	10%	0.91	0.21	0.82	0.24	0.09	0.00	0.05	0.08	0.25	0.09	0.16	0.13	7.64:1	7.33:1
Tennis	99%	38%	0.14	0.05	0.16	0.10	0.03	0.01	0.03	0.03	0.13	0.00	0.08	0.03	7.38:1	7.48:1
Indoor/Outdoor Track	100%	7%	0.93	0.14	0.58	0.14	0.23	0.05	0.14	0.07	0.25	0.05	0.12	0.09	10.36:1	9.32:1
Volleyball	100%	71%	1.25	0.00	0.25	0.29	0.13	0.00	0.04	0.11	0.12	0.00	0.11	0.10	7.18:1	6.05:1
Water Polo	91%		0.53	0.00			0.00	0.00			0.45	0.09			9.96:1	
Wrestling	100%		0.65	0.00			0.24	0.00			0.76	0.00			8.46:1	
Other	100%	14%	1.67	1.00	1.57	1.00	1.50	1.00	1.00	1.00	1.33	0.00	1.50	0.00	5.10:1	3.71:1
INSTITUTIONAL AVERAGE	98.5%	30.2%	7.69	0.28	2.10	2.39	1.59	0.08	0.34	0.66	2.28	0.10	0.68	0.57	12.81:1	11.90:1

*Coaching figures are not equivalencies: they include full and part time, graduate assistants and volunteers.

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TABLE 16

DIVISION I AAA COACHING SALARIES. N = 83 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Head Coaches (Men's) Average Base Salary	Head Coaches (Women's) Average Base Salary	Assistant Coaches (Men's) Average Combined Salaries	Assistant Coaches (Women's) Average Combined Salaries
Baseball/Softball	$27.333	$12.527	$17.026	$5.250
Basketball	$65.334	$34.055	$64.953	$26.962
Cross Country	$9.135	$7.637	$6.110	$4.950
Fencing	$4.013	$5.221		$2.437
Field Hockey		$14.676		$6.352
Fb--multidivisional	$38.750		$36.728	
Golf	$9.134	$9.390	$2.110	
Gymnastics	$13.753	$17.506	$0	$4.660
Ice Hockey	$25.181		$20.850	
Lacrosse	$14.638	$20.364	$7.206	$3.980
Rifle	$3.032			
Skiing				
Soccer	$20.526	$14.336	$5.192	$4.639
Swimming	$14.007	$12.718	$5.933	$5.544
Tennis	$9.891	$10.491	$6.386	$4.036
Indoor/Outdoor Track	$16.986	$15.219	$11.232	$12.028
Volleyball	$10.455	$18.671	$10.344	$6.939
Water Polo	$13.450		$3.920	
Wrestling	$16.477		$3.337	
Other	$11.698	$10.983	$6.046	$4.020
INSTITUTIONAL AVERAGE	$165.74	$99.593	$101.535	$61.228

TOTAL COACHING EXPENSE PER PARTICIPANT (Average per institution). Men = $1,733.19 Women = $1,329.18

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1. Scholarships.

	Men	Total Dollars	Women	Total Dollars
a. Number of full athletics grants-in-aid awarded in 1990-91	14.72	$114,929	8.10	$62,141
b. Number of partial athletics grants-in-aid awarded in 1990-91	24.71	$191,495	16.95	$90,670
c. Number of athletics grants-in-aid extended to the fifth year in 1990-91	1.03	$ 13,119	2.11	$ 5,753

2. Program budgets.

	Men	Women
a. Total expenditures for athletics programs	$419,877	$195,078
b. Sources of revenue for athletics programs (check all that apply):	Percent	
(1) Gate receipts	86.2	70.1
(2) Student activity fees (athletics fee)	44.9	43.1
(3) Student activity fees (not related to athletics)	18.1	17.7
(4) Guarantees and options received	83.2	49.7
(5) Contributions from alumni and others	83.8	79.0
(6) Distributions from conference or other organizations for bowl games, tournaments, television	51.5	42.5
(7) Direct state or other government support	46.7	45.5

3. Coaching personnel/support staff.

a. List the number of full-time coaches (those receiving benefits):

Men's program: 6.77 Women's program: 3.51

b. List the number of part-time coaches:

Men's program: 6.09 Women's program: 4.16

c. List the number of graduate assistants:

Men's program: 3.01 Women's program: 2.16

d. Number of certified athletics training staff available to programs:

Men's program: 1.61 Women's program: 1.61

4. Number of full-time undergraduate students at this institution.

Men: 2,053 Women: 2,164 Ratio: 0.87:1

5. Ratios -- men to women.

Participation = 2.11:1 Grants-in-aid = 2.13:1 Total expenditures = 2.15:1

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TABLE 11

DIVISION II SPORT SPECIFIC EXPENSES. N = 106 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Average Number of Participants (Men's)	Average Number of Participants (Women's)	Average Number of Contests Scheduled (Men's)	Average Number of Contests Scheduled (Women's)	Average Operating Expenses (Men's)	Average Operating Expenses (Women's)	Average Recruiting Costs (Men's)	Average Recruiting Costs (Women's)
Baseball/Softball	31.11	16.31	46.82	38.48	$23.287	$12.781	$1.615	$681
Basketball	16.96	13.40	27.29	26.86	$19.660	$25.665	$5.586	$2.865
Cross Country	11.61	9.76	7.40	7.45	$5.352	$6.618	$161	$121
Fencing								
Field Hockey		21.19		16.37		$9.016		$667
Football	88.59		10.51		$113.084		$10.511	
Golf	11.34	9.18	13.02	10.17	$7.509	$7.801	$516	$400
Gymnastics	17.50	12.62	9.50	11.83	$8.921	$17.498	$100	$1.715
Ice Hockey	33.94		33.00		$105.106		$25.761	
Lacrosse	28.43	24.10	11.00	12.25	$11.823	$6.581	$651	$280
Rifle	8.71	5.00	9.83	10.00	$10.834	$21.662	$361	$206
Skiing	13.00	9.67	8.62	8.62	$21.114	$20.519	$266	$261
Soccer	26.76	20.56	18.86	16.98	$12.922	$9.561	$1.341	$927
Swimming	19.74	19.29	12.15	12.16	$10.635	$14.452	$730	$1.280
Tennis	10.00	8.95	18.31	17.20	$11.860	$6.520	$511	$767
Indoor/Outdoor Track	29.81	21.35	13.45	14.02	$14.068	$11.940	$820	$776
Volleyball	12.38	12.32	24.50	25.96	$7.768	$14.738	$750	$1.224
Water Polo	23.50		14.00		$17.618		$6.127	
Wrestling	27.60		17.61		$19.576		$1.273	
Other	23.22	16.58	12.33	16.70	$7.285	$5.791		
INSTITUTIONAL AVERAGE	167.08	79.11	129.77	115.24	$190.670	$71.296	$17.298	$5.615

TABLE 18

DIVISION II SPORT-SPECIFIC EXPENSES, N = 166 INSTITUTIONS -- (Cont'd.)

MEN'S AND WOMEN'S SPORTS	No. of Male Asst. Coaches (Men's)	No. of Male Asst. Coaches (Women's)	Average Combined Salaries of Male Assts. (Men's)	Average Combined Salaries of Male Assts. (Women's)	No. of Female Asst. Coaches (Men's)	No. of Female Asst. Coaches (Women's)	Average Combined Salaries of Female Assts (Men's)	Average Combined Salaries of Female Assts (Women's)
Baseball/Softball	1.18	0.28	$7,087	$2,241	0.00	0.60		$4,393
Basketball	1.47	0.35	$19,596	$9,181	0.01	0.82	$4,500	$11,510
Cross Country	0.25	0.32	$4,024	$4,315	0.02	0.09	$2,600	$2,231
Fencing								
Field Hockey		0.00				0.90		$3,702
Football	5.03		$80,420		0.00			
Golf	0.08	0.00	$1,900		0.01	0.08		$4,000
Gymnastics	1.00	0.67	$3,000	$8,008	0.00	0.25		$7,867
Ice Hockey	1.71		$30,137		0.00			
Lacrosse	0.93	0.00	$3,092		0.00	0.50		$2,550
Rifle	0.00	0.00			0.16	0.33		
Skiing	0.67	0.66	$3,600	$6,525	0.00	0.11		$300
Soccer	0.78	0.37	$4,917	$2,150	0.00	0.33		$1,960
Swimming	0.43	0.42	$7,697	$6,169	0.14	0.62	$6,496	$3,791
Tennis	0.12	0.10	$1,999	$2,866	0.00	0.09		$2,648
Indoor/Outdoor Track	0.78	0.63	$8,380	$5,573	0.12	0.35	$4,685	$3,093
Volleyball	0.12	0.21	$1,300	$3,825	0.00	0.38		$4,166
Water Polo	0.30		$3,750		0.00			
Wrestling	0.88		$9,054		0.00			
Other	0.46	0.08	$8,617	$2,000	0.00	0.45		$3,580
INSTITUTIONAL AVERAGE	7.32	1.56	$81,076	$10,564	0.19	2.19	$6,548	$15,896

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TABLE 18

DIVISION II DEPARTMENT OF ATHLETICS HEAD COACHES N = 188 INSTITUTIONS

MEN'S AND WOMEN'S HEAD COACHES	STATUS (Percent) (Men's) FT	PT	STATUS (Percent) (Women's) FT	PT	STATUS (Percent) (Men's) M	F	STATUS (Percent) (Women's) M	F	$ 1,000 (or less) $ 4,999 (Men's)	$ 1,000 (or less) $ 4,999 (Women's)	SALARY (Percent) $ 5,000 $ 9,999 (Men's)	$ 5,000 $ 9,999 (Women's)	$10,000 $14,999 (Men's)	$10,000 $14,999 (Women's)
Baseball/Softball	61.0	39.0	40.9	59.09	100.0	0.0	46.9	53.0	18.6	29.0	13.9	18.1	3.6	0.0
Basketball	90.0	10.0	83.3	16.6	100.0	0.0	52.9	47.0	1.8	5.5	1.8	5.5	3.7	5.5
Cross Country	37.5	62.5	37.6	62.3	95.6	4.3	83.1	16.8	43.4	46.7	0.0	11.6	0.0	7.6
Fencing														
Field Hockey			20.0	80.0			5.0	95.0		30.0		20.0		30.0
Football	89.7	10.2			100.0	0.0			2.0		2.0		0.0	
Golf	27.8	72.1	58.6	81.3	98.9	1.0	53.8	46.1	59.4	60.0	12.8	0.0	3.9	0.0
Gymnastics			72.7	27.3			63.6	36.3		0.0		9.0		9.0
Ice Hockey	76.4	23.5			100.0	0.0			12.5		6.2		0.0	
Lacrosse	0.0	100.0	22.2	77.7	100.0	0.0	0.0	100.0	69.2	22.2	15.3	33.3	7.6	22.2
Rifle	28.5	71.4	33.3	66.7	100.0	0.0	100.0	0.0	33.3	0.0	16.7	33.3	0.0	0.0
Skiing	33.3	66.7	20.0	80.0	80.0	20.0	80.0	20.0	33.3	33.3	16.7	16.7	16.7	16.7
Soccer	35.4	64.5	39.1	60.8	100.0	0.0	93.1	6.8	24.7	36.3	24.7	15.9	9.6	9.0
Swimming	51.5	48.4	48.4	51.5	83.8	16.1	57.1	42.8	21.2	18.9	9.0	18.2	9.0	5.4
Tennis	25.8	74.1	36.8	73.1	93.1	7.8	57.3	42.6	34.1	34.5	18.0	8.2	11.6	8.2
Indoor/Outdoor Track	30.4	69.5	33.3	66.6	98.6	1.3	83.8	16.7	33.1	11.5	11.8	13.9	11.8	11.5
Volleyball	28.5	71.4	37.8	62.1	85.7	14.2	24.1	75.8	58.8	21.9	12.5	8.5	12.5	11.6
Water Polo	33.3	66.7			100.0	0.0			33.3		33.3		33.3	
Wrestling	67.3	32.6			100.0	0.0			10.0		12.0		0.0	
Other	21.4	78.5	16.6	83.3	78.5	21.4	33.3	66.7	57.1	36.3	7.1	10.1	7.1	0.0
INSTITUTIONAL AVERAGE	34.1	65.8	49.6	50.3	97.5	2.4	34.6	65.3	26.6	27.5	10.5	12.5	6.6	9.0

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TABLE 31

DIVISION II DEPARTMENT OF ATHLETICS HEAD COACHES N = 166 INSTITUTIONS (Cont'd.)

MEN'S AND WOMEN'S HEAD COACHES	SALARY (Percent)											
	$15,000 $19,999 (Men's)	$15,000 $19,999 (Women's)	$20,000 $24,999 (Men's)	$20,000 $24,999 (Women's)	$25,000 $29,999 (Men's)	$25,000 $29,999 (Women's)	$30,000 $34,999 (Men's)	$30,000 $34,999 (Women's)	$35,000 $39,999 (Men's)	$35,000 $39,999 (Women's)	$40,000 Higher (Men's)	$40,000 Higher (Women's)
Baseball/Softball	4.8	7.0	0.0	19.7	14.7	9.0	11.6	5.0	0.0	1.5	13.5	6.1
Basketball	1.8	7.3	3.1	10.4	10.1	21.4	14.5	23.9	20.8	8.5	61.7	11.4
Cross Country	7.0	3.0	7.0	11.4	6.0	0.5	6.0	4.7	4.3	3.0	6.0	3.0
Fencing												
Field Hockey		0.0		0.0		0.0		5.0		0.0		15.0
Football	1.0		1.0		6.2		14.3		14.3		50.0	
Golf	4.0	0.0	5.0	13.3	0.0	4.7	2.0	0.0	2.0	4.7	5.0	4.7
Gymnastics		0.0		0.0		10.0		27.3		9.0		9.0
Ice Hockey	0.0		0.0		12.5		6.2		6.2		56.5	
Lacrosse	0.0	0.0	0.0	0.0	7.6	0.0	0.0	11.1	0.0	11.1	0.0	0.0
Rifle	33.3	33.3	0.0	0.0	0.0	0.0	16.7	33.3	0.0	0.0	0.0	0.0
Rifling	0.0	0.0	16.7	33.3	0.0	0.0	16.7	0.0	0.0	0.0	0.0	0.0
Soccer	5.4	5.0	11.8	11.8	11.0	9.0	6.4	4.3	1.0	0.0	3.2	4.8
Swimming	9.0	10.0	12.1	10.0	12.1	10.0	10.1	5.4	0.0	8.1	9.0	5.0
Tennis	4.1	3.3	6.7	0.3	4.1	4.4	3.3	4.1	0.0	1.6	4.1	4.8
Indoor/Outdoor Track	5.2	7.2	11.0	10.0	15.7	8.6	10.5	10.1	10.5	5.7	9.2	10.1
Volleyball	0.0	5.6	0.0	17.1	11.1	11.6	0.0	11.0	0.0	6.1	11.5	6.7
Water Polo	0.0		0.0		0.0		0.0		0.0		0.0	
Wrestling	6.0		12.0		12.0		12.0		0.0		30.0	
Other	14.2	27.2	7.1	0.0	7.1	9.0	0.0	0.0	0.0	0.0	0.0	0.0
INSTITUTIONAL AVERAGE	4.5	6.2	6.5	12.2	8.9	11.5	9.2	10.1	7.4	4.3	18.0	6.0

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TABLE 11

DIVISION III DEPARTMENT OF ATHLETICS PERSONNEL N = 327 INSTITUTIONS

#	TITLE	STATUS (Percent) FT	PT	GENDER (Percent) M	F	SALARY (Percent) $ 1 000 (or less) $ 6 999	$ 7 000 $ 9 999	$10 000 $12 999	$13 000 $15 999	$16 000 $19 999	$20 000 $24 999	$25 000 $29 999	$30 000 $34 999	$35 000 $39 999	$40 000 Higher
210	Athletics Director Men	70 0	30 0	90 0	10 0	0 9	1 5	5 6	5 9	11 9	3 7	5 0	0 0	57 1	
211	Athletics Director Women	67 8	32 2	34 3	65 6	1 0	4 5	6 3	13 0	23 6	9 6	13 9	6 3	34 7	
114	Assoc Director of Athl	71 0	30 0	52 2	47 7	2 6	7 0	6 1	3 6	8 8	14 1	15 0	18 5	24 7	
190	Sports Info Director	33 1	67 0	80 0	19 3	11 0	12 7	9 5	13 2	24 3	18 2	9 0	1 4	0 5	
31	Business Officer	80 6	19 3	51 6	48 3	3 3	0 0	3 3	20 0	20 0	10 7	13 3	10 0	13 3	
11	Ticket Manager	36 3	63 6	36 3	63 6	30 0	0 0	10 0	0 0	0 0	20 0	20 0	0 0	0 0	
106	Trainer	73 1	26 8	72 8	27 0	4 3	7 0	8 5	8 5	26 4	18 0	10 4	8 5	5 1	
136	Equipment Manager	82 6	17 3	89 3	10 7	3 3	3 0	11 6	26 0	30 0	10 3	3 0	0 0	0 7	
21	Academic Counselor	47 6	52 3	63 0	36 3	3 0	15 0	3 0	10 0	15 0	10 0	10 0	15 0	15 0	
30	Strength Coach	28 5	71 4	92 3	7 6	22 2	22 2	5 7	11 1	22 2	7 4	3 7	3 7	3 7	
211	(Others)	66 3	33 6	55 6	44 3	5 0	7 0	8 0	12 0	10 0	17 7	6 2	10 0	19 0	
	ALL POSITIONS	66 1	33 8	70 7	29 2	3 1	7 0	7 5	11 4	20 1	13 9	9 5	7 0	10 0	

TABLE 33

DIVISION III SPORT SPECIFIC EXPENSES, N = 237 INSTITUTIONS

MEN'S AND WOMEN'S SPORTS	Number of Participants (Men's)	Number of Participants (Women's)	Practice Time* (Men's)	Practice Time* (Women's)	Operating Expenses (Men's)	Operating Expenses (Women's)	Head Coach (Percent) (Men's) M	Head Coach (Percent) (Men's) F	Head Coach (Percent) (Women's) M	Head Coach (Percent) (Women's) F
Baseball/Softball	26.34	17.14	c = 96%	c = 96%	$11,491	$7,391	100	0	14	86
Basketball	19.80	13.79	c = 85%	c = 86%	$17,731	$13,667	100	0	36	64
Cross Country	13.07	10.81	c = 96%	c = 96%	$3,512	$3,236	96	4	83	17
Fencing	15.00	8.50	c = 70%	c = 67%	$7,607	$4,278	73	27	60	40
Field Hockey		23.26		c = 99%		$9,261			4	96
Football	82.33		c = 98%		$46,917		100	0		
Golf	10.68	6.67	c = 93%	c = 95%	$4,267	$3,573	99	1	83	17
Gymnastics	17.00	12.07	c = 100%	c = 100%	$8,450	$7,068	100	0	33	67
Ice Hockey	31.38		c = 65%		$38,390		100	0		
Lacrosse	33.39	28.04	c = 97%	c = 100%	$15,080	$9,087	100	0	9	91
Rifle	11.78	7.00	c = 89%	c = 83%	$4,603	$4,259	100	0	100	
Skiing	16.73	12.88	c = 67%	c = 60%	$10,767	$10,513	87	13	80	20
Soccer	28.57	21.90	c = 95%	c = 98%	$11,355	$9,627	100	0	68	32
Swimming	17.68	17.49	c = 93%	c = 93%	$7,627	$7,526	86	14	70	30
Tennis	11.73	11.04	c = 95%	c = 98%	$4,369	$4,265	91	9	66	34
Indoor/Outdoor Track	30.95	21.38	c = 98%	c = 98%	$9,303	$7,581	99	1	85	15
Volleyball	13.84	16.61	d = 50%	c = 88%	$3,795	$8,215	79	21	25	75
Water Polo	17.10		c = 98%		$3,969		100	0		
Wrestling	30.37		c = 98%		$9,690		100	0		
Others	39.31	33.06	c = 88.4%	c = 79%	$8,634	$10,133	91.1	8.8	30.0	50.0
INSTITUTIONAL AVERAGE	215.06	115.70	c = 92.6%	c = 93.7%	$212,410	$56,123	97.4	2.7	69.8	30.1

*CODE (practice time):

a=6 a.m. d=6 p.m.
b=1-4 p.m. e=8-11 p.m.
c=1-6 p.m.

Ratio of male participants to female participants: 1.87:1

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TABLE 13

DIVISION III SPORT SPECIFIC EXPENSES, N = 237 INSTITUTIONS (Cont'd.)

MEN'S AND WOMEN'S SPORTS	Median Salary** (Men's)	Median Salary** (Women's)	No. of Male Asst. Coaches (Men's)	No. of Male Asst. Coaches (Women's)	Total Salary of Male Assistants (Men's)	Total Salary of Male Assistants (Women's)	No. of Female Asst. Coaches (Men's)	No. of Female Asst. Coaches (Women's)	Total Salary of Female Assistants (Men's)	Total Salary of Female Assistants (Women's)
Baseball/Softball	h	g	1.30	0.54	$4,633	$3,249	0.00	0.54	$0	$3,680
Basketball	h	h	1.61	0.99	$6,765	$3,389	0.01	0.78	$3,210	$4,763
Cross Country	f	g	0.38	0.32	$3,253	$3,951	0.06	0.11	$1,110	$1,300
Fencing	f	f	0.44	0.35	$1,330	$1,035	0.06	0.12	$1,100	$1,744
Field Hockey		h		0.04		$3,210		0.85		$3,610
Football	h		5.81		$32,376		0.00			
Golf	f	f	0.04		$1,170		0.01	0.04		$1,120
Gymnastics	g	f		0.33		$1,917	0.00	0.00		
Ice Hockey	g		1.63		$6,890		0.00			$3,307
Lacrosse	h	h	1.36	0.13	$4,767	$2,752	0.00	0.00		
Rifle	f	f	0.11	0.17			0.00			
Sailing	f	f	0.38	0.07	$4,680	$3,323	0.10	0.13	$1,000	$4,730
Soccer	f	f	0.97	0.42	$3,168	$1,614	0.00	0.31		$3,719
Swimming	h	h	0.38	0.49	$1,010	$1,719	0.20	0.30	$3,086	$3,870
Tennis	g	g	0.15	0.11	$1,991	$3,068	0.03	0.11	$612	$1,333
Indoor/Outdoor Track	h	f	1.83	0.87	$6,304	$4,937	0.24	0.62	$4,931	$4,018
Volleyball	g	g	0.48	0.17	$1,019	$1,411	0.10	0.14		$2,647
Water Polo	f		0.30		$1,975		0.00			
Wrestling	f		0.71		$1,888		0.00			
Others	h	g	0.65	0.34	$2,895	$3,012	0.14	0.65	$3,750	$3,233
INSTITUTIONAL AVERAGE	***	***	10.28	3.65	$40,967	$7,967	0.46	3.20	$4,169	$10,550

**CODE (salary ranges):
f=$1,000-10,000
g=$11,000-20,000
h=$21,000-30,000
i=$31,000-40,000
j=$41,000 higher

***CODE (salary ranges for men):
f=$1,000-10,000=44.8%
g=$11,000-20,000=7.6%
h=$21,000-30,000=17.4%
i=$31,000-40,000=17.7%
j=$41,000 higher=12.8%

***CODE (salary ranges for women):
f=$1,000-10,000=49.4%
g=$11,000-20,000=7.9%
h=$21,000-30,000=21.7%
i=$31,000-40,000=13.3%
j=$41,000 higher=5.7%

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NCAA FACT SHEET

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972

Title IX:

Title IX represents the principal legislative statement on gender equity that is applicable to the conduct of intercollegiate athletics. This statute, enacted by Congress in 1972, prohibits discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

In 1988, reacting to a Supreme Court decision limiting application of the statute to those education programs actually receiving Federal assistance, Congress passed a further law making it clear that Title IX applies to all operations of a higher education institution, any part of which receives Federal financial assistance.

Basic Requirements:

The regulation and policies of the Department of Education implementing Title IX require (1) that athletics financial assistance be allocated in proportion to the numbers of male and female participants in intercollegiate athletics, (2) that all other benefits, opportunities and treatment afforded participants of each sex be equivalent, and (3) that the athletics interests and abilities of women be accommodated to the same degree as those of men with respect to the number of participation opportunities, team competitive levels and selection of sports offered. Departures from these requirements are permitted if justified by factors determined by the Department's Office for Civil Rights (OCR) to be nondiscriminatory.

Athletics Financial Assistance:

With respect to athletics financial assistance, the test of compliance is financial proportionality. The total amounts of athletics aid awarded to the members of each sex must be substantially proportionate to the numbers of participants of that sex in the intercollegiate athletics program.

If the percentage of athletics aid awarded to each sex is not the same as the percentage of participants of that sex, the determination whether substantial proportionality has been achieved is made by performing statistical tests. If the amounts awarded are substantially proportionate, or if any disparity can be explained by nondiscriminatory factors, the institution is found in compliance. Only aid based wholly or partly on athletics ability is included in the proportionality calculation.

Other Athletics Program Areas:

For all athletics program components other than financial aid, the basic test of compliance is equivalence -- the availability, quality and kinds of benefits, opportunities and treatment afforded the members of each sex must

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be equal or equal in effect, unless disparities are justified by factors determined to be nondiscriminatory. Although financial measures are used as a means of assessing equivalency in many areas, expenditures and budgetary allocations, in and of themselves, do not determine whether an institution is in compliance.

The following factors have been identified by OCR as nondiscriminatory considerations that may justify departures from equivalency: unique aspects of particular sports (but not including the capacity to produce revenue), special circumstances of a temporary nature, special event management needs of spectator sports and voluntary affirmative action.

Accommodation of Athletics Interests and Abilities:

In assessing compliance with respect to accommodation of interests and abilities, OCR examines whether an institution (1) provides participation opportunities (positions on teams) to male and female students in numbers substantially proportionate to their respective enrollments, or (2) can show a history and continuing practice of program expansion responsive to the developing interests and abilities of the "underrepresented sex," or (3) can demonstrate that the athletics interests and abilities of its students of that sex have been equivalently fully and effectively accommodated. The participation opportunities provided must be at equivalently advanced competitive levels, or the institution must be able to demonstrate a history and practice of upgrading competitive opportunities as warranted by developing abilities.

Treatment of Football:

Football is not treated separately from other parts of the intercollegiate athletics program. With respect to financial aid, the large number of athletes needed for a football team normally increases the number of male participants in the overall program and therefore increases the amount of financial aid to be allocated to men under the proportionality test.

With respect to other athletics program components, certain special requirements of particular sports, including specifically football, are recognized as nondiscriminatory differences justifying departures from equivalency in such areas as medical services, equipment, facilities required for competition, maintenance of those facilities, special event management needs related to crowd size and special publicity requirements.

With respect to accommodation of interests and abilities, offering football ordinarily increases the number of participation opportunities provided to men and therefore also is likely to increase the number that must be offered to women to accommodate equivalently their athletics interests and abilities.

Program-Wide Assessment:

The appraisal of whether an institution has satisfied the requirements of Title IX is made on a program-wide basis. This is true of both

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NCAA GENDER EQUITY SURVEY
FACT SHEET

The Study: The gender-equity study, conducted by means of a confidential survey of NCAA member institutions in the second half of 1991, was authorized by the NCAA Council in response to a request by the National Association of Collegiate Women Athletic Administrators. The study was administered by the NCAA Committee on Women's Athletics.

Purpose: The principal purpose of the study was to analyze expenditures for women's and men's athletics programs by institutions in each of the NCAA's membership divisions. The survey was not developed with a view to determining conformity by NCAA members with the Federal regulations and policies issued under Title IX. Some of the data may be useful, however, in attempting to assess compliance by NCAA member institutions on average to current Title IX requirements related to the subjects of the survey.

Data Collection and Compilation: Usable survey responses, relating to the academic year 1990-91, were received from 646 institutions. Response rates ranged from over 92 percent in Division I-A to about 69 percent in Division III. Survey questions varied from division to division. Response data were compiled by the NCAA research staff.

Football: The sport of football had a dramatic effect on the ratios measured by the survey. It is a major revenue-producing sport for which no comparable women's sport exists. It generates revenues that provide a financial nucleus for all men's and women's intercollegiate programs.

The number of individuals who participate, salaries for a highly visible coaching staff, and the required equipment and maintenance to protect the participants and safely accommodate fans also require expenses that skew the ratios for recruiting, coaching and operating costs. Operating expenses, for example, substantially exceed average operating costs for all other men's and women's sports combined in Divisions I and II.

The number of athletics grants-in-aid permitted for this sport inflates the amount of money spent on scholarships for men. The ratio of scholarship expenditures for men and women, however, is comparable to the ratio of male and female participants in intercollegiate athletics.

Institutional Enrollment: In Division I, average total enrollment was divided in 1990-91 almost equally between men and women students, but in Division II, average enrollment of women was proportionately slightly higher (53.5 percent). Enrollment data were not collected in Division III.

Athletics Participation: The number of male participants in intercollegiate athletics programs exceeded female participants on average by 2.24 to 1 in Division I, 2.11 to 1 in Division II, and 1.87 to 1 in Division III.

Scholarships: Division I scholarship expenses for male student-athletes averaged about $849,000 per institution, and for female student-athletes about $373,000, a ratio of 2.28 to 1. The ratio in Division II was slightly less (2.15 to 1), with male and female scholarship expenses averaging $320,000 and $149,000, respectively. In each division, the male/female scholarship expense ratio rather closely paralleled the male/female participation ratio, as required by Title IX.

Scheduling: On average, Division I institutions scheduled about 10 contests per sport for their men's and women's teams. In general, a comparable number of contests on average were scheduled for sports such as basketball, fencing, lacrosse, skiing and swimming in which both men's and women's teams were sponsored. Similar data were reported for Division II, except that the average number of contests for men and women were proportionately fewer.

In Division III, for which data on number of contests were not collected, responses on average disclosed that practice times for men's and women's teams were scheduled between 3 and 6 p.m. with almost exactly the same frequency.

Operating Expenses: In Division I, average operating expenses for men's sports exceeded those for women's sports by 3.42 to 1, which exceeded the male/female participant ratio of 2.28 to 1; in Division II, the ratio was 2.15 to 1, close to the 2.11 to 1 ratio of male to female participants. In Division III, the operating expense ratio was 2.00 to 1, somewhat greater than the male-female participant ratio of 1.87 to 1.

Review of average operating expenses by individual sports in all divisions indicates that to a major extent, non-revenue-producing sports were on average comparably funded between the men's and women's programs.

Recruiting Expenses: In Division I, average recruiting expenses for male student-athletes exceeded those for female student-athletes by a ratio of 4.82 to 1. The comparable ratio in Division II was 3.08 to 1. These data were not collected in Division III.

Coaching: In Division I, the average percentage of male coaches for men's teams was 98.6 percent, whereas only 44.8 percent of coaches for women's teams were female. This information was not sought in the other divisions.

Average Division I ratio of participants to full and part-time coaches was slightly better for women's teams than for men's teams: 11.56:1 for women and 12.29:1 for men. Average Division I coaching expense per participant favored the men's program -- $2,501 for men and $2,040 for women.

In Division II, 26.4 percent of head coaches for men's sports received salaries in excess of $35,000, whereas only 11.1 percent of head coaches in women's sports earned such salaries. Average data reported in Division III disclosed a narrower difference; 30.5 percent of male head coaches received salaries of $31,000 or higher, compared with 19.0 percent for female head coaches.

the financial aid compliance determination and the assessments of whether (1) interests and abilities have been accommodated, and (2) other benefits and opportunities have been provided, equivalently. The comparisons that determine compliance are between the programs for male and female athletes, not specific sports, particular teams or specific classes of sports (such as "major" versus "minor" or "revenue-producing" versus "non-revenue-producing" sports).

Enforcement of Title IX by OCR:

Since the 1988 clarification by Congress of the full application of Title IX to intercollegiate athletics programs, about 60 complaints involving 36 institutions have been filed with OCR. In eleven of these, violations were found and remedial action noted or ordered; in 24, no violation was found or the case was closed for other reasons; and 11 cases are still pending.

Most recently, in a letter of findings related to Brooklyn College issued last month, OCR found that although the college was in compliance as to the award of financial assistance, it was not in compliance with several other aspects of the athletics program, including the required equal accommodation of interests and abilities of students of both sexes. Based on assurances by the college as to certain anticipated actions, however, OCR found the college "to be presently fulfilling its obligations under Title IX."

Beginning in September 1991, OCR began conducting compliance reviews of intercollegiate athletics programs as to which no complaint had been filed.

Private Title IX Enforcement:

Although the Title IX statute contains no provision for a private party to bring suit to enforce its mandate, the Supreme Court held in 1979 that such a right was to be implied. It was generally believed that available private relief would be limited to equitable remedies such as an injunction. Late last month, however, the Court issued a further decision to the effect that at least with reference to intentional violation of the statute, a private party could collect monetary damages resulting from such violation.

Application to Athletics Program Reductions:

Early last month, OCR circulated a draft memorandum to postsecondary institutions, warning of potential inadvertent violations of the Title IX statute that could result from budget-related reductions in the scope of the overall intercollegiate athletics program. Risks in this regard appear principally to relate to the requirement that the athletics interests and abilities of women students be accommodated to the same degree as those of men -- a requirement that would apply equally both before and after the program reduction.

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Mrs. COLLINS. Mr. Schultz, since the passage of title IX 20 years ago, can you tell us exactly what NCAA has been doing for its member institutions to assure compliance with the Federal law beside a newly formed task force?

Mr. SCHULTZ. I really can't confidently address what has happened in the prior 15 years; I can talk about what has taken place in the last 4½ years. I think up until about 4 years ago, basically the position of the NCAA was to try to provide information to the member institutions that would explain to them what their responsibilities were as far as title IX is concerned. I don't think there was a strong effort on the part of the association to say it is important that you do this, that we are going to try to move this forward. I think probably the Grove City lawsuit stymied a lot of those efforts on the part of a lot of people until the Restoration Act in 1988.

In the last 4 years I think we have made a real effort to provide direction and leadership for our members. The gender equity, the formation of the Women's Committee on Athletics, some special programs not only for women at our National Office and via scholarships but also for ethnic minorities to provide opportunities and leadership, and a constant reminder by myself and others that this is an important issue and has to be on the front burner, not on the back burner.

Mrs. COLLINS. In describing your survey data, you keep comparing spending ratios for men's and women's sports to participation ratios. Isn't the focus on participation ratios rather than enrollment ratios self-defeating? In other words, isn't is possible or likely that if schools spend based upon participation rates they will perpetrate those ratios rather than improve them?

Mr. SCHULTZ. Do you want to address that?

Mrs. COLLINS. Ms. Baker.

Ms. BAKER. I think that becomes, Madam Chairwoman, one of the critical issues that needs to be resolved probably by the Office of Civil Rights in terms of interpretation on title IX.

We have reached the point where we need to know is that law going to be based upon enrollment or contrived participation figures within intercollegiate athletics. That has not been determined.

I think gender equity, as Mr. Schultz and Ms. Howlett and I have been addressing it, goes well beyond the legal requirements of title IX. They become the minimums, if you will. Gender equity is a much larger issue than that.

But certainly if we are going to look at the larger issue, then we must look at participation figures. If an institution is 50 percent male and 50 percent female in its undergraduate student representation, then certainly all programs should be equally available to both sexes, in my opinion.

Mrs. COLLINS. Is that your opinion also, Mr. Schultz?

Mr. SCHULTZ. Yes. I think that the law itself, the interpretation of it, has lent a fair amount of confusion, because when it comes to financial aid, participation seems to be the measure, and when we talk about opportunities, enrollment seems to be the measure, and I think this is an issue that needs to be clarified, and I think it has been a point of confusion for some time.

I would like to reemphasize the point that Ms. Baker made in that we feel that title IX and gender equity, while they are synonymous in some respects, are really two separate issues. It is our feeling that an institution could be in compliance with title IX and there still could be a tremendous variable in gender equity.

Mrs. COLLINS. Mr. Crissman, did you do any figures on recruitment?

Mr. CRISSMAN. No, we didn't, Madam Chairwoman. We basically looked at the compensation level for the positions within the athletic department. We did not get into such things as recruiting. The NCAA study in that respect was much more comprehensive than ours.

Mrs. COLLINS. Tell me for the record what your statement says on recruitment, Mr. Schultz.

Mr. SCHULTZ. Basically, to put it in very simplistic terms, there are substantially more dollars spent for the recruiting of male athletes than woman athletes.

Mrs. COLLINS. Why?

Mr. SCHULTZ. I don't know that there is a specific reason for that. I don't think there is necessarily an answer that you can pinpoint and say this is a specific reason. I think probably the number of participants adds up to that.

If you take a look at the sports, the big differences are in football and basketball. The other sports seem to be fairly comparable in recruiting expenses, and I think it goes back and reflects what we have seen in this country in that football and basketball have been the major sports and that is where the major emphasis is placed, and I'm not saying that that is the way it should be, but I think that is part of the reason.

Mrs. COLLINS. Could one of the reasons be that those are the sports that the networks are very interested in having and therefore more money comes to the schools?

Mr. SCHULTZ. I think the fact that they are substantial revenue producers is one of the reasons. I'm not sure what part television plays in that today during the season.

Mrs. COLLINS. I don't think the networks would want it if they couldn't show it on their screens and people wouldn't be sitting in front of their screens looking at it.

Mr. SCHULTZ. I think we have to point out that there is a substantial difference between in-season network television and championship network television.

Since 1984 and the antitrust regulations that were passed down, the dollar value for in-season television has gone down dramatically, and I think that most institutions are more concerned about how many people show up for the games than they are necessarily the dollars generated from television.

Mrs. COLLINS. Well, doesn't it follow that if a team is on television, such as perhaps Duke, and people in some other parts of the country aren't as familiar with that basketball team, wouldn't that generate the kind of attendance that Duke might be interested in having?

Mr. SCHULTZ. I think what it does is generate an awareness of the program and helps them in their recruitment process rather than the attendance process, but I think they are very interested in

having it from the standpoint of the fact that young men and women in California know about Duke and, when they are recruiting not only athletes but students, that there is an awareness that would not exist if it were not for the television exposure.

Mrs. COLLINS. My time has expired.

Mr. McMillan.

Mr. MCMILLAN. Thank you, Madam Chairwoman.

I think what we are talking about isn't some conscious policy by the institution to discriminate in a case like that, it has to do with interest level. I don't know how Duke funds their scholarship program. I think the University of North Carolina basically funds its scholarship programs through contributions. Contributions are related to interest, and certain sports generate more interest than others.

Do we take those factors into account in analyzing these statistics?

Mr. SCHULTZ. No, there wasn't an attempt to do that. These are just dollar amounts that were submitted.

Mr. MCMILLAN. Well, doesn't that have a big impact on emphasis?

Mr. SCHULTZ. It goes back to emphasis and what emphasis an institution places on a program. Whether it is an athletic program or whether it is an academic program will probably be reflected in the budget.

Mr. MCMILLAN. But the educational foundation at the University of North Carolina is going to have a much more difficult time raising scholarship money for lacrosse than it does for basketball.

Mr. SCHULTZ. That is true.

Mr. MCMILLAN. And what concerns me generally about surveys, whether they are within an institution in terms of disparities from one sport to another or among all institutions, are we looking at, say, UVA and Yale in the same light in terms of comparable compensation?

Mr. SCHULTZ. Are you talking about for scholarships?

Mr. MCMILLAN. Well, I am thinking at this point about compensation for coaches.

Mr. SCHULTZ. Well, there is a substantial difference. Having been in both the Big Ten and the Ivy League and the ACC, there is a substantial difference in compensation between Ivy League coaches and ACC or Big Ten coaches.

Mr. MCMILLAN. Are the surveys we are making taking into account the reasons why there are differences?

Mr. SCHULTZ. No.

Mr. MCMILLAN. Should they?

Mr. SCHULTZ. That would be a very elaborate study and would be one that at some point in time might be of use.

Mr. MCMILLAN. I just can't see that we can totally ignore the fact that some people have a more intense interest in an aggressive sports program in one sport or another or one gender or another than other institutions so the sheer comparability from one school to the next may not be valid unless you take that into some kind of consideration.

Mr. SCHULTZ. I think that one of the things that probably the task force will be looking at and I know that athletic directors and

presidents will be looking at will be, is the dollar spent on recruiting actually needed, or are there excess dollars spent on recruiting, and can some of those dollars be diverted to other areas without damaging that popular program.

There are many people that feel that there is an excess and that the same thing can be achieved for less dollars, making those dollars available in other areas, and I think recruiting in itself is something that not only this committee but others interested in cost reduction will be taking a very hard look at.

Mr. MCMILLAN. Most of the compensation disparities arise not because someone sits back and says we are going to try to depress the compensation for women coaches and athletic directors, it arises out of competition for talent for producing a winning program. You know, Dean Smith may make more than the coach of the women's basketball team at North Carolina not because someone sat around and said we are going to pay the women's team less, it is a case of interest and competition over a long period of time, and I don't know how we are going to get around that.

If I can make this slightly personal, should the head coach of the Virginia women's basketball team that went to the NCAA finals and the head coach of the men's team that won the NIT be paid the same amount?

Mr. SCHULTZ. I think if they have comparable experience and comparable success, they should.

Mr. MCMILLAN. Even though the interest in women's basketball may be different than that in men's basketball?

Mr. SCHULTZ. In the example that you use, at the present time there probably isn't much difference in interest.

Mr. MCMILLAN. Maybe I used the wrong example. I could say the same about Stanford probably.

Mrs. COLLINS. We are going to have another round. The time of the gentleman has expired.

Mr. McMillen of Maryland.

Mr. MCMILLEN. Thank you.

The gentleman from North Carolina was referring to precisely the point I was getting at, that we are talking about a marketplace. I mean these are businesses, supply and demand. That is exactly the values that we are not trying to promote on college campuses.

In the testimony it was mentioned it was the failure of the university community to resist powerful special interests as the reason why we haven't had gender equity in our sports today. Dick, in your testimony you say there is a practical limit at which institutions can have money coming from basketball and football and going to other programs, that many of them are operating in operating deficits.

Let me point out that the University of Texas just hired a football coach, Coach Mackevick, for $1 million a year. Now the University of Texas presumably is able to do this because they are able to put women's programs second class, they get their students to pay fees when many times the students can't go to the games, they are playing in publicly built stadiums, and when a booster makes a tax deduction to the University of Texas sports program the Federal Government is picking up a third or a quarter of that; that is a tax expenditure that helps subsidize the system.

The bottom line is, when I look at that, I say yes, why couldn't you pay that coach $50,000 and put $950,000 into women's sports? How would you answer that?

Mr. SCHULTZ. I'm not sure what Mr. Mackevick's compensation package is. I would be greatly surprised if it is $1 million from the University of Texas. I would probably assume it is more like $100,000 from the University of Texas and a television contract from somebody outside and other situations like that. That is usually the way those compensation packages are put together.

Mr. MCMILLEN. But it is $1 million going to that coach that could go to the system. There are plenty of other examples I could give you, but there is $1 million going to that coach. I think the point is made. I mean there is really no justification for it. The reason why schools are operating at operating losses is because you have a rigged system; a few get rich, a few get poor.

Another point I would like to make: Dick, you have said many times that you don't believe in Federal intervention. Would you, by definition, say title IX is Federal intervention?

Mr. SCHULTZ. Well, title IX is something that applies to all of education and all of higher education.

Mr. MCMILLEN. But you would say it is Federal intervention?

Mr. SCHULTZ. It is Federal regulation, yes.

Mr. MCMILLEN. Has title IX been good?

Mr. SCHULTZ. I think it has.

Mr. MCMILLEN. Would gender equity in college sports have occurred without it?

Mr. SCHULTZ. I don't know. I think that is difficult to say. I think that it probably would not be as far as it is today had there not been some——

Mr. MCMILLEN. So you could clearly say that because of Federal intervention we have at least a pittance of gender equity?

Mr. SCHULTZ. That is probably correct.

Mr. MCMILLEN. OK. Do you control all of your revenues of your member institutions? Does the NCAA?

Mr. SCHULTZ. No. The other revenue we control is what is developed from our championships.

Mr. MCMILLEN. What don't you control?

Mr. SCHULTZ. We don't control ball games, in-season television, gate receipts, radio——

Mr. MCMILLEN. Football?

Mr. SCHULTZ. Of any of those sports.

Mr. MCMILLEN. Football revenues?

Mr. SCHULTZ. No, we don't control any football revenues.

Mr. MCMILLEN. Why is that the case? Why don't you control those revenues?

Mr. SCHULTZ. The NCAA has never controlled any in-season revenues. The only revenue that the NCAA was involved with was television, in-season television, from about, I guess, the late 1950's or so until 1984.

Mr. MCMILLEN. Was the loss of control related to the 1984 Supreme Court decision?

Mr. SCHULTZ. Yes.

Mr. MCMILLEN. In other words, that fragmentation of college television revenues resulted because of the 1984 decision?

Mr. SCHULTZ. As far as football is concerned. The NCAA was never involved in in-season basketball television.

Mr. MCMILLEN. Does it make it difficult for you to promote gender equity when you don't have full control? I think that is important for the record.

Mr. SCHULTZ. Well, I'm not sure that gender equity ties into the football television, because that money was just returned to the institutions.

Mr. MCMILLEN. It is all part of the pot of money, isn't it? It is part of what the GAO is looking at in terms of the kind of gender equity that is occurring.

The point I am making is that the 1984 decision, the fragmentation of college revenues, is exactly the reason why you can't achieve gender equity. You don't have control. Until you get control back and have a whole new revenue distribution pie, that is exactly the purpose of the legislation we have introduced. And, as I said before, I think you are doing a wonderful job trying to push this system. I think you are not empowered to get control of it. I mean you are not going to be able to buck the interests that say, "I want to pay this coach $1 million."

Let me ask you another question. Are you afraid of an athlete who is going to take this system to court and say, "I am a laborer; I want employee rights; I want workmen's compensation; I want to be able to collective bargain; I don't want to be impeded in my ability to go the pros"? Are you afraid of an athlete taking a system to court?

Mr. SCHULTZ. Not at the present time, because the athlete has the right to leave school any time they want to.

Mr. MCMILLEN. Can the athlete have collective bargaining? Could they collectively bargain?

Mr. SCHULTZ. With the institution?

Mr. MCMILLEN. With the NCAA.

Mr. SCHULTZ. No.

Mr. MCMILLEN. Can they have an agent?

Mr. SCHULTZ. No.

Mr. MCMILLEN. Can they have representation?

Mr. SCHULTZ. They can. Under new legislation they do have the right to some negotiation.

Mr. MCMILLEN. Are they covered by Workers' Compensation?

Mr. SCHULTZ. No, they are not an employee.

Mr. MCMILLEN. Yet a coach can make $1 million in the system, but the athlete takes an extra $25 from the school and the athlete may very well go on probation.

Mr. SCHULTZ. Of course, I have some concern about salaries that people are making, but I think it is a stretch to start comparing coaches' salaries with athletes, because those coaches that are earning those salaries, most of them were one-time athletes, they have paid their dues, both men and women, they have received their education, and they have been in the job force.

Mr. MCMILLEN. I certainly don't want to deny anybody their right in a normal marketplace, but if you want to go to a normal marketplace and make this a marketplace, then let's open it all up, let's have athletes have the right to bargain, let's have a full-fledged business, let the IRS come in, let's regulate it as a business,

let's make it a business. I mean why do we operate as a rigged system when we don't comply with title IX, we don't do lots of things we are supposed to do? I mean either we are going to be colleges and universities or we are going to be a business, but you can't be half-way.

Thank you.

Mrs. COLLINS. There is a vote on the floor of the House of Representatives, and therefore we are going to recess for 10 minutes.

[Brief recess.]

Mrs. COLLINS. This hearing will come to order.

Mr. Towns.

Mr. TOWNS. Thank you very much, Madam Chair.

First of all, Ms. Baker, let me congratulate you as the new athletic director, and I'm certain that the programs at Michigan State University are in good hands, so we won't worry about them too much, but those other universities we feel we must be concerned about.

Ms. BAKER. Thank you.

Mr. TOWNS. Let me just say, Mr. Schultz, I have a tremendous amount of respect for you, and I think that your commitment and dedication are truly there; there are no ifs, ands, or buts in my mind about that. But I want to follow up on a question that my colleague, Congressman McMillen, raised in reference to title IX being Federal intervention, and I also look upon the fact of the student athlete's right to know. There was a lot of concern about that, and then after we moved forward with it, I think at the next NCAA meeting, the next convention, a lot of changes were proposed.

So what I am saying is that sometimes I think on this end we have to help you get everybody's attention. I know that sometimes you say, well, the Federal Government should not be involved in it, and I listen to you and I hear you, but; at the same time, when you look at how long this has been going on, and when I listen to the statistics that are put forth by GAO, and then I listen to comments that are being made, and then when you look at the salaries—I mean you just sort of keep looking, and you just keep looking, and one would say that if there is no Federal intervention at all and nobody here is saying anything, how long do you think it would take to correct this?

Mr. SCHULTZ. I think there is a difference between, I guess, how you would interpret Federal intervention, whether you consider legislation to be intervention or hearings like this and pressure being intervention. I don't view hearings such as this or the concerns of the Congress regarding what goes on in any area of higher education as being intervention. I feel that that is a pressure and that is good and sometimes that helps us get things going.

We have talked about title IX and that law perhaps being Federal intervention, and I guess we could reverse that a little bit and say that if that is a sample of Federal intervention, has it really been successful as we look at the charts and review the numbers?

I guess the point I would like to make is that I like the pressure; I want all the help I can get to make changes. I think the Presidents Commission feels the same way. I think in this respect the Knight Commission has been very, very important because it has

been another resource, another pressure point, another area of concern, but many times when laws are passed they are intended for one thing and they end up having other impacts, and I just feel that the pressure is good, I would like to see that change come, because if the change takes place from the people who are involved it will be the right change and the appropriate change, and they will be able to deal with those issues without encumbrances. Sometimes Federal legislation creates more expense and more encumbrances than we sometimes realize.

Mr. TOWNS. On that note, how has that happened with title IX? Has it happened with title IX in terms of the fact that sometimes we move in the wrong direction or the wrong outcome?

Mr. SCHULTZ. Well, I think the jury is still out whether title IX has been effective. I think the legislation is certainly there, but without the 1988 legislation, the original legislation would have been fairly effective because of Supreme Court rulings, and I think the jury is still out as to whether that legislation is effective.

I think the commitment that we want to make is that we want to meet those standards and we want to see gender equity whether the law is enforced by OCR or whether it isn't enforced by OCR.

Mr. MCMILLEN. Would the gentleman yield for 10 seconds?

Mr. TOWNS. I would be happy to yield to my colleague.

Mr. MCMILLEN. I think the only unintended consequence has been the noncompliance with title IX. I mean that has been the fact.

Mr. TOWNS. I agree. I think that is the real issue.

Let me just tell you what my problem really is here, and I feel somewhat frustrated to a degree, and that is why I am happy, Madam Chair, that you are really moving on some of these issues.

I think that you are committed, I really do, but you really have a very difficult task because you don't have the purse strings to be able to sort of put people in place. When you look at the salaries just reported here, in reference to the salaries between female coaches, and then when you take that to black female coaches, then the situation gets worse.

I know that you have tried to do some things, but I just think that under the present structure I don't think any of us will see it during our lifetime if we just let it go as business as usual.

Mr. SCHULTZ. Well, let me ask you this. In what other area of our society does Congress legislate what salaries should be outside of the Federal Government? I think when we get into situations where we are going to try to legislate people's incomes, then we are probably moving away from one of the basic tenets on which this country was founded.

Mr. TOWNS. We do have a minimum wage law.

Mr. SCHULTZ. I know we do.

Mr. TOWNS. Maybe we might have to apply it here with women.

Mr. MCMILLEN. Would the gentleman yield on that? Almost every State university—a lot of them have statutory limits on what they can pay their professors and their presidents and the like. That is just part of being a public institution.

Mr. TOWNS. Of course.

Mr. SCHULTZ. Again, I will come back to the point that you address about the University of Texas. I think you would probably

find the salary the University provides is probably within those statutory limits.

Again, the inference was made that all those other dollars would go into resolving other issues. I guess I would take exception to that. It is just like somebody saying if you make a contribution of $3 million from a private donor to women's athletics or men's athletics that you are taking money away from the rest of the university.

I don't agree with that. I think a person provides support and provides money because they have a special interest, and if that interest wasn't there they would not automatically give that to the engineering department, and I think we have to keep that in mind. Intercollegiate athletics are very popular, and some sports are very popular, and some sports are going to receive more support from the private sector than others, and that is something that we have to realize exists, and that many times is reflected in compensation.

Now the Presidents Commission, through legislation, has finally put themselves in a position where, if they want to control those salaries and those outside sources of income, they are going to have the right to do that, because under current legislation, in advance of any outside compensation directly related to intercollegiate athletics, that coach or athletic director will have to have that approved in advance by the president; that has not existed in the past. That would lead to television contracts, to shoe contracts, whatever those sources are.

So some of the concerns that you are talking about have been recognized. We are attempting to deal with those in a way that is legitimate knowing also that that probably will be tested by the courts at some point in time.

Mr. TOWNS. Madam Chair, I know my time has expired, and I hope to get another round.

Mrs. COLLINS. We are going to have another round.

Mr. TOWNS. Yes.

I disagree with a lot of that, but anyway go ahead.

Mrs. COLLINS. Well, the gentleman's time has expired.

Mr. Schultz, my principal concern throughout the subcommittee hearings—and this is the fourth one—has been a concern for the education of the student athlete. Recently I called upon the NCAA Presidents Commission, which you just mentioned, to consider proposals requiring schools to present their hiring programs and their proposals to deal with minority hiring in title IX compliance. I now understand the Presidents Commission has established a subcommittee to investigate these very concerns, and according to your testimony the NCAA Administrative Committee has established a gender equity task force.

My question to you is, after 20 years of title IX legislation, for example, and after 86 years of the NCAA's existence, how can you convince those of us in Congress that the NCAA is committed to bringing about these reforms?

Mr. SCHULTZ. I'm not sure that I will convince you. The only thing I can do is give you my own personal commitment to that. I think our presidents are committed to that. I think a lot of our administrators are committed to that, and I think that things are in motion to deal with these issues, and I think that with the mecha-

nism in place we probably have the ability to deal with those as fast as anyone can, and I'm hopeful that you will see some progress.

Mrs. COLLINS. I suppose one of the things I wanted to hear you say is that there were some kinds of actions that this newly formed study group is going to be looking at. Can you tell us any kinds of actions that are likely to be considered?

Mr. SCHULTZ. Well, the charge of the committee will be to come up with solutions to solve the gender equity problems that we have recognized in our study. We are not in a position to announce the entire task force as yet, but I can give you an example or I can give you the names of some people who have already agreed to serve on that, and I think you will see that we are going to have good divergent representation, that the interests and the concerns will be raised.

Chris Voles, the women's athletic director at Minnesota, who is a representative of the National Association of Collegiate Women Athletic Administrators; I mentioned Judith Albino, the president of the Colorado system; she will be representing the Presidents Commission; Phyllis Howlett, who is chair of the NCAA Women's Commission; Donna Lopiano, recently named executive director of the Women's Sports Foundation; Ellen Vargyas, who will testify later today, representing the National Women's Law Center; Judy Sweet, the current president of the NCAA; in addition to that, we will have representation from the Knight Commission and others, a female coach, a male coach, a woman athlete; we hope that it will be a very divergent group and that they will meet head on the challenges that are out there in solving these problems.

Mrs. COLLINS. Ms. Howlett, representing the Women's Commission, have you thought about any kinds of sanctions that might be imposed if there is not more equity?

Ms. HOWLETT. It would be premature to indicate any sanctions, but I think that the one thing that we said at the announcement of the survey was that everything has to be on the table if we are really going to attack the problem, and I think that we will have access to the entire system because we have to have the full plate in order to know what we are going to do about it.

Mrs. COLLINS. Well, let me suggest some possible sanctions to you. It would seem to me that in order to get the kind of equity that the law addresses, perhaps some schools could be put on probation if they have not complied, that there could be restrictions on their appearance in post-season championship games, that possibly there could be some allocating of revenues from the NCAA to a tournament using title IX compliance as one of the criteria. I think these kinds of sanctions would help to get us where we want to go, and I think anything absent those kinds of what I consider to be tough sanctions would really not help to resolve the situation that we are in 20 years after title IX.

Ms. HOWLETT. Those are good suggestions.

Mrs. COLLINS. So I hope that when you are considering these things that those are some of the kinds of sanctions you will consider.

Would you agree that a school that spends considerably more money recruiting men and women in violation of title IX should be

subject to those sanctions at least as harsh as the NCAA poses on breaking its recruiting rules—either of the three of you?

Well, Mr. Schultz, it looks like you got selected.

Mr. SCHULTZ. Sanctions are determined by the members themselves. This is true with enforcement sanctions, it is true of any sanction that we have on the NCAA. So I think that one of the challenges of this task force will be to determine what issues should be put forward legislatively, and we hope that we can fast-track at least that part of it so that they can meet the August 15 deadline that we have for January legislation.

Mrs. COLLINS. Do you have any rules on how schools ought to spend their money from the NCAA basketball tournaments?

Mr. SCHULTZ. No. The only restriction that is placed has to do with academic support, and there was $25,000 last year, there will be $30,000 this year, that has to go for academic support programs for athletes. Other than that, we don't attempt to tell them how to spend the revenue that comes from those championships.

Mrs. COLLINS. When we discuss spending on women's sports, we find that colleges have to find some new sources of revenue, and I think that you have made that pretty clear to us, because there is a practical limit at most institutions of the extent to which we can expect football and basketball to provide the funds.

Why can't the NCAA do more to control costs of these sports? I mean is there such a thing as a practical number of football scholarships or a practical number of coaches?

Mr. SCHULTZ. These have been addressed somewhat in legislation that took place in 1991 reducing the size of coaching staffs, reducing scholarships. Part of that action was reversed at this last convention relating to scholarships for women's sports, and that, I think, was the first attempt by some of the members to take a look at gender equity and be sure that women's scholarships were not cut until we could really see what the big picture was. But there have been reductions in coaching staffs, and I think that one of the ways that we are going to probably be able to resolve, if we are ever able to resolve, the participation differences is to place some restrictions on the number of participants in some of these key sports.

Mrs. COLLINS. And if you placed restrictions on some of those, if you put some kind of limits on spending, would there be more money available for women?

Mr. SCHULTZ. Any time you can save money in one area, it makes more dollars available in another area.

Mrs. COLLINS. I just wonder why nobody has thought about that until now.

Mr. SCHULTZ. I think a lot of people have thought about it, but I think——

Mrs. COLLINS. Well, why haven't they done anything about it?

Mr. SCHULTZ. That is the answer. There is always a reluctance to cut individually. This is why they usually come back with national legislation to try to do that.

Mrs. COLLINS. How many women are members of NCAA?

Mr. SCHULTZ. How many women?

Mrs. COLLINS. Yes.

Mr. SCHULTZ. I couldn't give you that number off the top of my head.

Mrs. COLLINS. Do you think it is about 50 percent women and 50 percent men?

Mr. SCHULTZ. Well, we know what the ratio is in athletes; it is about 1 to 3. If you are talking about coaches and administrators and others, I don't have that at my fingertips.

Mrs. COLLINS. I just wonder, if it is because it is such a male dominated thing, is that the reason why women have been shortchanged for these 20 years?

Mr. SCHULTZ. Well, we have only had women athletics in the NCAA for 10 years, so you can excuse the first 10 years with that.

Mrs. COLLINS. Mr. McMillen.

Mr. MCMILLAN. I would just like to comment that women only got started 10 years ago, they are making much more rapid progress than men.

Mrs. COLLINS. That is because we are smarter.

Mr. MCMILLAN. I learned that a long time ago—the first day of school, every time I go home at night. We need to hold a hearing on it.

I have a letter, Madam Chairwoman, addressed to you from Michael L. Williams, assistant secretary for civil rights at the Department of Education, who was invited to appear here today and could not, and I would like to ask unanimous consent to make this part of the record.

Mrs. COLLINS. Without objection, it is so ordered.

[Testimony resumes on p. 84.]

[The letter and attachments follow:]

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
THE ASSISTANT SECRETARY

APR - 8 1992

Honorable Cardiss Collins
Chairwoman
Subcommittee on Commerce, Consumer Protection
and Competitiveness
House Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515

Dear Madam Chairwoman:

I commend you for holding hearings on Thursday, April 9, to discuss equal opportunity for women in intercollegiate sports.

While I would have preferred to testify at the April 9 hearing, so that the Subcommittee would have the opportunity to obtain a complete picture of the Title IX issue and current enforcement activities, I look forward to appearing before the Subcommittee at some future date. As you know, I have met with Subcommittee staff recently and would like to share with you an overview of the Office for Civil Rights (OCR) enforcement activities of Title IX of the Education Amendments of 1972.

In December 1990, I issued OCR's National Enforcement Strategy (NES), a plan designed to focus our limited discretionary resources on high priority educational equity issues recognized by Congress, parents, students, educators and other interested parties. The responsibility of colleges and universities to ensure equal athletic opportunity for students was named one of the seven high priority 1991-92 NES issues (see attached).

As a result, in 1991 OCR initiated six compliance reviews, or 15 percent of the total reviews for the year, in this area and others are planned for 1992. Our efforts are especially significant in light of the fact that in only three of the preceding ten years did OCR initiate more intercollegiate athletic compliance reviews -- eight in 1983, 1984 and 1988 -- and further, because few complaints alleging sex discrimination in intercollegiate athletics are filed with OCR. In 1991, OCR received only nine intercollegiate athletic complaints out of a total of 3,800 complaints.

I believe that equal opportunity for women in intercollegiate sports is a significant educational issue, despite the relatively low number of complaints received by OCR, and I have directed my staff to be aggressive in the provision of outreach technical assistance. OCR has participated in numerous seminars, conferences and workshops showing university

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officials how to comply with Title IX. We have updated, revised and reprinted 15,000 copies of a 1988 OCR publication entitled "Equal Opportunities in Intercollegiate Athletics." Revisions to the Athletics Investigator Manual issued in April 1990 are currently under consideration to take into account recent OCR investigator experiences and concerns raised by interested parties.

I will soon issue guidance explaining how institutions may avoid conflicts with Title IX when grappling with the fiscal concerns that may lead to the termination of sports teams.

Again, I look forward to testifying on this most important issue of equal opportunity for women in athletics and OCR's enforcement and technical assistance outreach activities. I request that this letter be entered into the hearing record.

Sincerely,

Michael L. Williams
Assistant Secretary
for Civil Rights

cc: J. Alex McMillan

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

NATIONAL ENFORCEMENT STRATEGY
OFFICE FOR CIVIL RIGHTS

I. *INTRODUCTION*

Universal access to public education is more fundamentally an expression of our deeply shared commitment to opportunity to all - - of our view that individual merit will prevail if given an equal chance . . . . The challenge of the past has been to break down the barriers to that opportunity. It is a task that is not yet finished.

Vice President George Bush
July 28, 1987

The Office for Civil Rights (OCR) is first and foremost an enforcement agency. Its primary purpose, mission and role is to ensure that recipients of Federal financial assistance do not discriminate against America's students, faculty or other individuals on the basis of race, color, national origin, sex, handicap and age.

Education is the vehicle by which Americans have made real their dreams for a better life. W.E.B. Du Bois wrote, "Education and work are the levers to uplift a people. Work alone will not do it unless inspired by the right ideas and guided by intelligence." Uplift - - both individually and as a Nation depends upon nothing more than educating the American people. And it is through education that we will be best positioned to improve the standards of living of American families, protect and defend democratic liberties at home and abroad, and strengthen the moral fibre of our nation.

OCR's role is straightforward, but extremely important - - to enforce the civil rights laws and to assist recipients to comply with those laws. OCR must become a more effective and visible agency; it must set clear priorities, develop and disseminate policy on the critical civil rights issues, and strengthen its compliance, enforcement and technical assistance activities.

Yet, at this juncture, OCR faces a critical situation in terms of accomplishing its mission. Regular complaint receipts have increased so significantly over each of the past three years that complaint investigations now consume almost all of OCR's resources. This increase shows no sign of tapering off; complaint receipts now exceed any previous level in the agency's history.

It is a tribute to OCR's staff that the agency has maintained such an excellent record in complaint investigations. Since 1986, OCR has met more than 90% of the time frames for complaints filed with the office. In 1988, 1989, and 1990, OCR has met 95% or more of its complaint processing time frames. OCR is perhaps the only Federal civil rights enforcement agency where an individual can expect, and will get, a prompt resolution of his or her complaint.

This national enforcement strategy builds on such accomplishments of the past. As in the past, OCR will continue to investigate complaints consistent with the agency's time frames. The thrust of this document, however, is to describe OCR's goals for a more comprehensive and balanced enforcement strategy to supplement, and complement, OCR's complaint investigation program. This will enable OCR to focus its available resources on many important issues that do not usually arise through complaints and to initiate investigations of broader impact than are found in most complaint allegations. Key aspects of the enforcement strategy are:

1) **Integrating OCR's compliance review program into a comprehensive and well-coordinated program of policy development, staff training, compliance reviews, technical assistance and policy dissemination.**

2) **Monitoring corrective-action plans will be given a new emphasis and very high priority. Monitoring is not an optional activity and must be carried out where compliance problems have been found. On-site monitoring will be encouraged, where needed, and complaint and compliance review investigations will be tracked through OCR's automated systems until all monitoring activities are completed. Corrective-action plans and monitoring will also be addressed as a priority through OCR's Quality Review Program.**

3) **Restructuring OCR to more effectively accomplish its mission. Specific organizational and staffing realignments will be carried out to increase staff resources in OCR's regional offices and to realign the geographic boundaries of some regional offices to enable them to carry out a more balanced program.**

II. HIGH PRIORITY ISSUES **(FY 1991 and FY 1992)**

The issues listed below will receive special emphasis because of a growing concern that the practices of some educational institutions severely inhibit the provision of equal educational opportunities in violation of the civil rights statutes.

FY 1991 PRIORITY ISSUES

1. *Equal Educational Opportunities for National Origin Minority and Native-American Students Who are Limited-English Proficient*

2. *Ability Grouping That Results in Segregation on the Basis of Race and National Origin*

3. *Racial Harassment in Educational Institutions*

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4. *Responsibilities of School Systems to Provide Equal Educational Opportunities to Pregnant Students*

5. *Appropriate Identification for Special Education and Related Services for Certain Student Populations; e.g., "Crack Babies" and Homeless Children With Handicaps*

6. *Discrimination on the Basis of Sex in Athletics Programs*

7. *Discrimination on the Basis of Race in Admissions Programs and in the Provision of Financial Assistance to Undergraduate and Graduate Students*

OCR will also give priority in FY 1991 to developing and disseminating policy statements on two other issues of national importance, Educational Choice and Attention Deficit Disorder (ADD). On the issue of Educational Choice, OCR will continue to define the civil rights responsibilities of school systems and State agencies that are implementing, or planning to implement, Choice plans. Because of the variety and scope of Educational Choice plans across the nation, these policy issuances will continue to be on a case-by-case basis tailored to the specific proposal.

Finally, many parents and other interested persons are concerned about students who have been diagnosed as having Attention Deficit Disorder (ADD), and whether it is a handicapping condition under Section 504. In FY 1991, OCR will widely publicize its policy on ADD, under which OCR analyzes whether ADD is a handicapping condition on a case-by-case basis.

FY 1992 PRIORITY ISSUES

1. *Over Inclusion of Minority Students in Special Education Classes*

2. *Sexual Harassment of Students*

3. *Student Transfer and School Assignment Practices That Result in the Illegal Re-segregation of Minority Students*

4. *Discrimination on the Basis of Age in the Admission of Students to Graduate and Professional Schools*

5. *Discrimination on the Basis of Race and National Origin in Student Discipline*

6. *Equal Opportunity for Minorities and Women to Participate in Math and Science Courses*

For an example of how the enforcement strategy can work, see the proposed activities to be accomplished for the high priority issue of *Equal Educational Opportunities for National Origin Minority and Native-American Students Who are Limited-English Proficient.*

- o Develop a definitive policy statement regarding the responsibilities of recipients under Title VI of the Civil Rights Act of 1964.

- o Develop investigative guidance for regional staff to follow in investigating complaints or conducting compliance reviews, including model investigative plans.

- o Widely publicize the policy to interested groups, i.e., representatives from the educational and civil rights community; and strongly encourage recipients to develop and disseminate internal policies on the issue.

- o Provide technical assistance and policy workshops to recipients to assist them in the development of such policies.

- o Provide training/policy implementation workshops on investigative strategies and the application of the policy guidance to key OCR regional legal, supervisory and investigative staff.

- o Initiate a nationwide compliance review program.

- o Publicize the results of key OCR investigations on the issue, including summaries of the issues examined, evidence gathered, findings reached, and corrective action obtained, where appropriate.

- o Carry out follow-up activities related to implementation of the enforcement strategy. Many of these follow-up efforts would carry over into the next fiscal year and include activities such as:

  - monitoring corrective action plans;

  - revising policy documents and model investigative plans in light of the lessons learned; and

  - identifying additional compliance review or other activities to be conducted based on a review of the overall results of the year's activities.

- o Work closely with other offices in the Department (e.g., the Office of Bilingual Education and Minority Language Affairs (OBEMLA), Office of

Elementary and Secondary Education) to coordinate Departmental resources in developing research and other programs, and to coordinate technical assistance activities.

The underlying premise of this National Enforcement Strategy recognizes the inter-relation of all our activities, and taps into OCR's full range of resources to tackle these major education equity compliance issues.

We do not plan to complete every activity for every targeted issue. We will concentrate, however, on those activities that will result in a cohesive enforcement strategy.

III. IMPLEMENTATION ACTIVITIES

Discussed below are the specific activities and methods OCR will use to implement its overall enforcement strategy.

A. POLICY AGENDA

A priority of the OCR enforcement strategy is to develop up-to-date policy documents for the high-priority issues listed above, as well as for other significant issues. To ensure these issues are addressed in a timely manner, OCR will prepare an annual Policy Agenda that sets forth the key policy documents to be developed and disseminated to regional staff and other interested parties.

The Policy Agenda established for FY 1990 resulted in the development of approximately 15 policy documents, several of which address OCR's high priority issues for FY 1991. In turn, the FY 1991 Policy Agenda focuses on the high priority issues to be addressed in the FY 1992 enforcement strategy.

Generally, policy documents will be circulated initially in draft to regional staff to obtain their comments. This will ensure that final policy documents reflect the experiences of regional staff who investigate these issues. In addition, OCR has sought, and will continue to seek, the advice and counsel of interested persons regarding civil rights policy issues, as well as knowledgeable members of the general public.

Consistent with our overall enforcement strategy, these documents will be widely distributed to interested parties, as will future documents produced as part of the OCR Policy Agenda.

B. INVESTIGATIVE STRATEGIES

A significant aspect of the enforcement strategy is to ensure that OCR regional staff have the skills, knowledge and overall support needed to carry out high quality investigations. Additional assistance to regional staff with regard to the high priority issues is particularly important because of complexity of the legal and policy issues raised and the need for consistency in a national program of compliance reviews and technical assistance activities. The activities discussed below are designed to support implementation of the enforcement strategy, especially at the regional office level.

1. *Investigative Guidance*

For each high priority issue, appropriate investigative guidance will be provided to regional office staff to supplement the policy guidance. For example, on most issues Annotated Investigative Plans will be developed to provide detailed instructions related to the specifics of the investigation, including the type of data to be collected, the analytical process to be followed, and a discussion of the applicable case law and policy. Development of these Plans and their distribution to all regional offices will help to ensure consistency in the investigation of the high priority issues, and avoid having each regional office spend valuable staff time developing separate investigative plans for each issue. Regional offices will adapt the Annotated Investigative Plan to the particular institution under review.

OCR also will identify well-developed investigative plans prepared by regional office staff on significant issues and distribute them to all regional offices.

2. *Investigation Strategy Workshops*

In FY 1991 OCR will initiate a series of Investigation Strategy Workshops where OCR legal and policy experts will lead discussions and work sessions for regional investigators, attorneys and managers to provide them with an opportunity to discuss techniques for investigating particularly complex issues, and for analyzing the data necessary to reach a determination of compliance or non-compliance. These sessions will be held periodically to address the enforcement issues and will be given funding priority from the available training funds. The first session, to be held in January 1991, will address the high priority issues for FY 1991.

The Workshops will be conducted by headquarters and regional staff who have expertise in the various policy and legal issues under consideration. Regional staff selected to attend the workshops will be responsible for sharing the information discussed in the workshops with their respective regional offices. Other staff experts on various issues will be identified and their names circulated OCR-wide

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resources for other regional offices, and as potential faculty for future training/workshop activities.

C. COMPLIANCE REVIEW PROGRAM

In the past, OCR's compliance review program has been decentralized, with each Regional Office determining which recipients and which issues would be addressed within a given year. Inasmuch as OCR now has limited resources to direct to compliance review investigations, it is important that the compliance reviews selected in the future be coordinated within the framework of a national OCR enforcement strategy.

Accordingly, for FY 1991 and subsequent years, each Regional Office will select most of its compliance review issues from the list of issues designated by the Assistant Secretary as high-priority issues. Regional offices will continue to select the compliance review sites, but these selections will be coordinated within the office of the Deputy Assistant Secretary for Policy. This will ensure that OCR's limited resources will be focused on compliance review investigations that address issues of the highest priority and that will likely have the broadest impact within a state, region, or the nation as a whole.

The goal will not be defined in terms of numbers of compliance review investigations, but in terms of the most effective use of staff resources. We will make our best effort to increase the staff resources to the compliance review program so that comprehensive compliance reviews on important civil rights issues can be carried out within each of the 10 regional offices. The increased complaint workload in FY 1990 allowed OCR to devote only 3% of its total staff resources to compliance review investigations, compared to 75% of the total staff resources used for complaint investigations and related activities, *e.g.*, monitoring, complainant appeals and quality review. We intend to devote the bulk of any new resources to the compliance review program. Reviews of larger institutions will be carried out by teams to expedite the gathering and analysis of data and the development of the letters of findings.

As noted above, investigative guidance will be developed to expedite the preparation for investigations on a particular issue, and to ensure consistency among regional offices in the approach to investigations. This information will be discussed at the Investigation Strategy Workshops. Time frames may be adjusted on a case-by-case basis for the completion of particularly complex compliance reviews.

D. MANDATORY MONITORING

There have been concerns in the past that OCR has not given sufficient priority to monitoring corrective action agreements obtained from recipients pursuant to a violation

finding. Under this enforcement strategy, monitoring of corrective action plans is designated a mandatory activity for all regional office personnel and has the same priority as complaint investigations. *As such, monitoring activities are not to be reduced in order to carry out any other regional activity.*

Each Regional Director is directed to designate sufficient staff resources to monitoring activities, including on-site visits where appropriate, to ensure all corrective action plan agreements have been fully implemented. Regional Directors are also directed to establish internal procedures that will ensure thorough and timely monitoring activities occur. OCR's automated case-tracking system has been modified to record all monitoring activities for each case.

Obtaining written corrective-action plans from recipients to correct violations of the statutes prior to the issuance of a formal Letter of Findings has proven to be an effective method for ensuring compliance with the civil rights laws. Our concern with this process is that the agreements we obtain always be sufficient to correct the violation, and of sufficient specificity to enable OCR to monitor their implementation. To address this concern, OCR will issue, in FY 1991, additional guidance on the standards required for an acceptable pre-LOF corrective action plan.

Under no circumstances will OCR accept a plan to plan. Corrective action plans that must carry over to a future date, e.g., modifying a building to make its programs accessible to students with handicaps, must contain clear commitments on the part of the recipient, with sufficient specificity so that OCR knows exactly what, when, and where corrective actions will be initiated and completed.

Regional offices' monitoring efforts will be examined as a priority activity by the Assistant Secretary's Quality Review Team as part of its review of the overall quality of case-processing in OCR. No major changes will be made to the current pre-LOF negotiation procedures until the Team has had an opportunity to conduct its evaluation and submit its recommendations to the Assistant Secretary.

E. QUALITY REVIEW PROGRAM

Ensuring high quality investigations and obtaining appropriate, legally sufficient, corrective action for violations of the civil rights laws are an integral part of this enforcement strategy. On July 11, 1990, OCR initiated a new Quality Review Program (QRP) that recognizes the overall high quality of work produced by regional office staff, and reviewed by regional managers and legal staff. The new QRP also established an Assistant Secretary's Review Team that will conduct regular reviews of the quality of regional case-processing. Procedures to be followed by the Review Team in FY 1991 will be issued during the first quarter of FY 1991 and the Team will begin its review

activities shortly thereafter. For FY 1991, the Review Team will focus on several areas that are of high priority and important to the success of OCR's enforcement strategy. These are:

1.) *Is OCR's practice of accepting pre-LOF corrective action plans resulting in high quality, legally sufficient remedies to the violations cited?*

2) *Are OCR's regional offices appropriately monitoring corrective action plans and following up with recipients who have not fulfilled their commitments?*

3) *Have revisions to OCR's Investigation Procedures Manual, particularly those related to administrative closures, resulted in better case-processing efficiency?*

4) *In FY 1990, OCR modified its case-processing procedures to allow regional offices additional flexibility to investigate cases and obtain corrective action within the existing time frames. Are any additional revisions to the time frames needed?*

The Review Team will review thoroughly these issues and develop findings and recommendations prior to the end of FY 1991. The Team will also examine the extent to which the other components of the QRP are being implemented in the regional offices.

F. POLICY DEPLOYMENT AND TECHNICAL ASSISTANCE OUTREACH ACTIVITIES

1. *Policy Presentations*

OCR will initiate meetings with various interested groups at the regional and headquarters level to provide the organizations with information about OCR's policies and procedures related to the high priority issues. The focus of the meetings will be to prevent violations of the civil rights statutes by providing recipients with specific information about the law and OCR's policies. These could take the form of state-wide conferences with state education officials and recipients to discuss practical issues related to compliance with the civil rights laws. Regional office-sponsored forums involving local recipient officials; e.g., school superintendents and college presidents, will be a top priority. Results of these meetings will be shared with the DASP, who will consider the recommendations and comments in proposing modifications to the enforcement strategy.

The organizations will be encouraged to share this information with their constituents in an effort to promote greater voluntary compliance with the law.

OCR will seek to obtain information and ideas from the individuals representing the various organizations regarding their views about the civil rights issues and OCR's approach to resolving them.

2. *Policy Information Line*

OCR has established a Policy Information Line telephone number where the public may call and request a copy of any OCR policy document. The telephone number is (202) 732-1547. A TDD line will also be available.

3. *Policy Codification*

OCR has an automated Policy Codification System (PCS) that will be expanded and made readily available to interested individuals and organizations. The PCS contains summary information about all official OCR policy documents issued since the late 1960s. These summaries can be displayed on a computer screen via entry of appropriate key word codes, e.g., Discipline, Athletics,. Actual copies of the policy documents can be obtained from a manual file once the Document Number is retrieved from the PCS summary document. Documents are either listed in the PCS as "Current Policy" or "Historical Policy." Current Policy documents are relied upon by OCR staff in making decisions related to case investigations. Historical Policy documents are for policy documents that are now obsolete, or that have been superseded by new policy. They are for reference only and cannot be used as official policy.

Currently, the PCS is available only to OCR staff through the Department's electronic communications system. By FY 1992, OCR will have the PCS available on computer diskette for use by any individual or organization having the appropriate database software.

4. *Participation in National Conferences*

OCR will participate in selected major conferences of national education and civil rights organizations where there are opportunities to discuss policy and enforcement initiatives related to the high priority issues. A schedule for OCR staff participation in these conferences will be developed for FYs 1991 and 1992, and disseminated to all OCR staff.

5. *Publications to Education Agencies*

OCR will routinely send letters to the head of state education agencies announcing significant policy announcements or enforcement initiatives affecting numerous educational institutions within a particular state, or within the nation as a whole. These documents will provide information to assist recipient institutions in complying with the civil rights statutes with regard to particular issues.

6. *Publications of Findings and Recommendations*

In the first quarter of FY 1992, OCR will publish, and release to interested organizations, the results of its FY 1991 enforcement strategies, including information about the compliance review investigations and other initiatives, summaries of letters of findings related to the high priority issues, and recommendations for any follow-up activities.

7. *Development of Technical Assistance Videos*

OCR will begin in FY 1991 to work with outside groups (e.g., educational institutions and nonprofit organizations, cable television networks, independent film and video producers) interested in producing video materials (e.g., public service announcements, training videos, documentaries, video conferences) on civil rights related topics.

8. *Coordination Within the Department and With Other Departments*

Most of the civil rights issues are also of high interest to one or more of the other principal operating components (POCs) within the Department. OCR plans to bring these high priority issues to the attention of the other POCs in a more coordinated and substantive manner than in the past, and to invite their participation in discussions and strategy issues related to OCR's overall enforcement strategy. For example, OCR will meet with the Office of Elementary and Secondary Education to discuss how the Desegregation Assistance Centers may work more closely with OCR in providing high quality technical assistance to recipients on the civil rights issues.

We also plan to ensure greater cooperation and coordination with other agencies that have an interest in civil rights enforcement, such as the Department of Justice, Health and Human Services and the Equal Employment Opportunity Commission, to look for opportunities to advance the civil rights agenda. For example, we will explore with the Department of Health and Human Services civil rights issues related to homeless children and to "crack" babies to determine whether these may best be addressed through a coordinated effort.

III. MANAGEMENT INITIATIVES

A. Workload Balance

During FY 1991, OCR will consider changing the geographical structure of several regional offices in order to address a workload imbalance with regard to the receipt of complaints. The shifting of a few states from one region to another, and some shift of headquarters' resources to regional activities, will ensure that every region has approximately the same per staff complaint workload as every other region. This will enhance each region's ability to respond to complaints across the nation, and will provide each region with similar opportunities to participate in the high priority activities that make up OCR's overall enforcement strategy.

We are also developing a plan to restructure headquarters to ensure more efficient use of headquarters' staff resources. We will continue to examine other ways to better manage OCR's total workload consistent with the concepts of a national enforcement strategy.

B. Managing the Enforcement Strategy

Responsibility for management of OCR's national enforcement strategy has been assigned to the Deputy Assistant Secretary for Policy (DASP). The DASP has developed an overall management plan for the enforcement strategy which has been circulated to the Senior Staff for comments. When the management plan is issued in final, each OCR senior manager will be expected to develop a component-specific plan for implementing the various activities within his or her area of responsibility.

IV. CONCLUSION

This is an exciting opportunity for OCR to focus its limited resources around civil rights issues of great importance and to carry out a coordinated national enforcement strategy. Significant increases in complaint receipts or the availability of fewer resources will, of necessity, result in fewer enforcement strategy activities. Under any circumstances, however, the strategy provides OCR a framework and focus for deploying its discretionary resources, and for putting these resources to their best possible use.

OCR looks forward to the challenge.

Mr. MCMILLAN. I don't have a lot more questions. There were a couple of points, Mr. Crawford, that you made that were curious to me. Your testimony indicates that women coaching women's basketball teams had a higher average total compensation, $47,871, than men, $42,706, coaching women's basketball teams.

Mr. CRAWFORD. That is correct.

Mr. MCMILLAN. To what do you attribute that, or do you?

Mr. CRAWFORD. As part of our study we didn't gather other background information to answer that question. That was a finding that was curious to us as well. We found that interesting.

Mr. MCMILLAN. Would you agree, though, that in that case you are comparing apples and apples, comparable levels generally, even though it is a generalization? You are dealing with women's basketball teams in all cases, and I wouldn't say the disparity—I mean if you were a man you could say yes, $5,000 a year is a big disparity, over 10 percent, against that.

But I think in what we are doing here we are so broadly generalizing our findings that it then lacks credibility, because if we ignore what Mr. Schultz alluded to, that it is competition and interest levels that are driving more these disparities than it is any intent to discriminate by gender—if we don't look at it taking those factors into account, then I think we are just going to be totally out of sync with reality.

I would want to do everything possible to eliminate discrimination where it exists, but if there are other factors in there, such as the intensity level and interest level in the particular sport in question relative to something else, those are factors that exist on their own bottom and may explain a lot of differences that will exist between people of the same gender, and do, let's face it.

I wanted to comment on one other thing that came up in a question to you. I have always been under the impression—and maybe this is true of many schools. The University of North Carolina basically funds all of its scholarships through contributions, not through revenues generated by the sport. Any gains on revenues generated by the sport go to fund the other athletic programs. I mean you basically have two cash generators, football and basketball, and they basically fund a whole array of other sports, many of them women's sports, that don't themselves generate cash, and I don't see anything wrong with that program.

You raised an interesting point, Mr. Schultz, when we were talking about your power or whether you should have the power to, in effect, regulate levels of compensation throughout the NCAA and asked the question why don't we do that in other fields. I would ask the same question. Why don't we regulate the level of compensation in the automobile industry or the grocery industry? Because that isn't our system. There are differences in conditions, and we let the free marketplace determine those.

My colleague from Maryland will say, "OK, you are hitting the nail on the head again; it's a business out there." Well, it may function like a business in a free enterprise system, but it seems to me the alternative is worse, and if we are going to treat it like a business and fix salaries, then why don't we fix salaries on professional basketball players? And if we have a difference between professional basketball players in the men's sports, why don't we re-

quire that women professional basketball players be paid the same amount? Or, for that matter, why shouldn't everybody be paid the same salary that Michael Jordan is?

Mr. MCMILLEN. Would the gentleman yield?

Mr. MCMILLAN. Yes.

Mr. MCMILLEN. I didn't say anything about fixing salaries. Mr. Schultz said that.

Mr. MCMILLAN. You used the word "control" repeatedly.

Mr. MCMILLEN. There is a big difference. I never made a statement that I believe that colleges and universities should fix necessarily the salaries. What I said was that there should be a revenue distribution formula based on different incentives.

Mr. MCMILLAN. I think I have probably come to the end of my line of questioning. I think the gentleman from Maryland is pushing at an interesting point, and that is that in a free market system out there and a free education system there are more market forces at work, there are competitive forces at work, and they drive the process.

I don't know that we can really change that, that is in the nature of things, but it seems to me that what we need to do is to make certain that in that context if you preserve that competition—and, after all, that is what athletics is—we don't allow discrimination in detail to exist, and I think we have to be careful where we make that analysis and not blur too many things together, which I hear being said here, and I would be the first one not to want to tolerate discrimination, but let's don't throw out the baby with the bath water in the approaches that we take to it.

One final comment. I didn't quite catch entirely those that you—you have determined the committee that you will——

Mr. SCHULTZ. We have pretty much decided on the divergency that we want. In other words, we want the major women's organizations represented on that committee, and I named the ones that we had been able to contact and get affirmative responses from. The ones that we are waiting on are those that are representing a specific group like, one, athletic directors, faculty representatives, and we hope to announce that full committee, but the names that I read are those who have accepted, and I think that people who are knowledgeable realize that these are some of the very knowledgeable people when it comes to gender equity, and that is the type of person that we want to have on there.

We are not looking for a committee that is going to massage this in any particular way; we want this to be a committee that is going to look at all the issues, and the initial start that we have is a dynamic group, and we hope that they will be able to come up and agree on solutions that we can put in place to start dealing with this.

Mr. MCMILLAN. Thank you very much.

Mrs. COLLINS. Mr. McMillen of Maryland.

Mr. MCMILLEN. Elaborating on the gentleman's comments, if we want a free market system, that is OK, but give the athletes the rights that Michael Jordan has to collectively bargain and do everything else. But it is not a free market system, it is a system where the public is subsidizing the building of the stadiums, they

are subsidizing the tax expenditures by the donations of the boosters, student fees, and the like.

If you want a free market system, let the bird fly out of the nest; let it be regulated, taxed, everything else that a free market system has. But I don't think that is what we want to do, and that is what I am getting at.

I'm getting at the issue of control, Dick. I really want you to be a benevolent dictator. I want you to be able to grab hold of this thing and do what you want to do.

Let me ask some hypotheticals. Five years from now, if the ACC—both Alex and I are big fans—if the ACC decides to go pay-per-view television, can you, as the executive director, stop that?

Mr. SCHULTZ. Not if it is in-season television, no.

Mr. MCMILLEN. You can't stop it. So they could take every one of the games that heretofore have been free and now charge my constituents $100 for the season, and you can't stop that. Is that correct?

Mr. SCHULTZ. The Supreme Court ruling in 1984 established that the NCAA involvement in regular season television would violate anti-trust regulations.

Mr. MCMILLEN. Right. So the point is, in 1984 there was fragmentation, and you personally can't get a hold of that. So if my constituents a few years from now, because of revenue pressures, find ACC games going pay, there is nothing we can do.

Another point: Let me ask you, what is the ultimate penalty that you would place on a school for violations at the NCAA?

Mr. SCHULTZ. I don't know if there is an ultimate penalty.

Mr. MCMILLEN. What is the top?

Mr. SCHULTZ. Basically, reduction in scholarships, reduction in the number of visits by prospects to the campus, not being able to participate in the particular championship of that sport.

Mr. MCMILLEN. Is that a violation of your rules?

Mr. SCHULTZ. I thought you were talking about——

Mr. MCMILLEN. No. Is that a violation of your rules?

Mr. SCHULTZ. I don't understand the question. I thought you were asking about the ultimate penalty.

Mr. MCMILLEN. The penalty would be a sanction because of a violation of your rules, the NCAA rules.

Mr. SCHULTZ. That would be a violation of our rules.

Mr. MCMILLEN. Not the law of the land?

Mr. SCHULTZ. No.

Mr. MCMILLEN. What is the ultimate penalty a school or university will face for not complying with title IX?

Mr. SCHULTZ. Well, those sanctions would be established by OCR or by the regulation.

Mr. MCMILLEN. Have there been any sanctions?

Mr. SCHULTZ. I'm not quite sure if there have been or not.

Mr. MCMILLEN. So, in other words, a school can absolutely be written off the charts if it breaks a rule of the NCAA, but if it breaks a law of the land, really, we turn our head aside.

Mr. SCHULTZ. I guess that is a good point in allowing the association to control its own affairs, that we are tougher on our people than the Government is.

Mr. MCMILLEN. Some parts of the Government.

Are you in favor of the antitrust exemption being restored to the NCAA?

Mr. SCHULTZ. I'm really not, simply because what we are trying to do is to cut our staff down, cut our operation down, so that we can generate as much revenue back to the member institutions.

Mr. MCMILLEN. So you are on record that you would oppose that.

Mr. SCHULTZ. For two reasons.

Mr. MCMILLEN. In 1984 you came before this committee and said——

Mr. SCHULTZ. Not me.

Mr. MCMILLEN. The NCAA executive director came before this committee and said we would like it.

Mr. SCHULTZ. That was 1984, and I think the purposes for maintaining that at that time were probably fine, but now we are at the point where television has expanded, and I just don't think that we have any place negotiating their in-season radio contracts, their television contracts. We are talking about expanding our staff dramatically in order to do that.

Mr. MCMILLEN. Not necessarily.

In reference to her comment about why you can't limit it, you can't tell Notre Dame to have gender equity because you can't tell Notre Dame what to do with its affairs.

Let me tell you what Whizzer White said back in the dissent—Justice White—of that case. He argued that the NCAA's antitrust exemption fosters the goal of amateurism by spreading revenues among various schools and reducing financial incentives toward professionalism. Chancellor Young, a member of the Knight Commission, in 1984 testified in front of this committee: "The precedent has now been established that a major extracurricular activity of higher education establishes a property right that is to be regarded as a consumer product similar to those produced for profit alone. This is a new and, I submit, dangerous stage of affairs for college intercollegiate athletics."

Only one thing wrong: He was talking about one side of the ledger. The other side of the ledger, the waiver side, was not addressed in that Supreme Court decision. I, as an athlete in college, can't go out and get my rights in the system.

So my concern with all of this is, why do we have Federal intervention? Because this is the only Federal entity, this body, can overturn that Supreme Court decision, and I think we are heading down a road where it is going to make your job harder, not easier, Dick. You are going to have more of an arms race. Schools can't keep up. Maryland can't pay a coach $1 million a year. We can't keep up.

So what we do is, we are forced to cut programs. Guess who gets cut? Minor sports, women's sports, all the things that we ought to be promoting in colleges, broad-based values, educational values. We have got to build bigger stadiums, we have got to get bigger television contracts.

I mean I am all for college sports, I'm a big proponent of it, but you know the greatest thing your association did was to have those women's games televised, because it showed you the women are playing just as hard without the money as the men are playing with the money. The fact is that what we want to do is promote

college sports, and my fear is that somewhere along the line we are going to lose even further control of that, and I think your good intentions are going to be dissipated in the process.

So the reason I argue for this—and, as I said, I'm not here to slay the messenger, because I think Dick has tried to do a good job of this, but my concern is, when schools, because of financial pressures, start moving towards pay-per-view and my constituents start screaming, we have no recourse, and I think it is going to be an unfortunate day for college sports when that comes.

Thank you.

Mrs. COLLINS. Thank you.

I'm not going to keep this panel much longer, but I do want the GAO to explain that chart they have over there.

Mr. Crawford, would you do that for the record?

Mr. CRAWFORD. Yes, Ma'am. I would be happy to.

What we did was focus on the five positions that the subcommittee had asked us to look at—the athletic director, the head of women's programs, the head football coach, the men's head basketball coach, and the women's head basketball coach—to determine the numbers of minorities that were involved in holding each of these positions. I can give you the numbers and the percents.

Essentially what you see there is that men's basketball had the highest percentage of minority coaches, close to 14 percent. This is for the academic year 1990–1991. The next highest was the women's head basketball coaches, close to 7 percent, then followed by athletic directors at 4.2 percent, and then finally head football coach at just over 1 percent.

Mrs. COLLINS. So even when it comes down to minorities other than women, there is some disparity there, it would appear, in the numbers.

Mr. CRAWFORD. Minorities are not represented as highly in that chart, that is correct.

Mrs. COLLINS. OK. Another question quickly just for the record. Did you find that it is fact that television fees primarily for broadcasting rights were the NCAA's major revenue source, and, if so, how much was it?

Mr. CRAWFORD. Yes, it was. I believe it was approaching $120 million, representing nearly 80 percent of the NCAA's revenues.

Mrs. COLLINS. OK. And, finally, can you comment on the outside income for men's coaches versus women's coaches, and do the men really earn as much outside income from commercial endorsements as one may tend to believe they do?

Mr. CRAWFORD. We found that men's basketball and football coaches enjoyed the highest average outside incomes. Men's basketball was approaching $40,000, and football was approaching $32–$33,000 compared to women's head basketball coaches, whose outside income was just under $7,000–$6,600.

Mrs. COLLINS. There seem to be a few inequities there.

OK. We thank this panel very much for coming before us, as we do all the other panelists that will be coming in. We appreciate the insight that you have given us, particularly Mr. Schultz, in what we are trying to do here. Thank you so much.

Our next panel will be Ms. Ellen J. Vargyas, the senior counsel for education and employment with the National Women's Law

Center; Ms. Christine H.B. Grant, the women's athletic director at the University of Iowa; Ms. Vivian Stringer, head women's basketball coach at the University of Iowa; Ms. Vivian L. Fuller—Dr. Fuller—associate director of intercollegiate athletics for the Indiana University of Pennsylvania; and Mr. Lee McElroy—Dr. Lee McElroy—director of athletics for the California State University at Sacramento.

Won't you come forward, please. I think you all heard me say that we operate close to the 5-minute rule and that your entire statements will be made a part of the record.

Why don't we begin with Ms. Vargyas.

STATEMENTS OF ELLEN J. VARGYAS, SENIOR COUNSEL FOR EDUCATION AND EMPLOYMENT, NATIONAL WOMEN'S LAW CENTER; CHRISTINE H.B. GRANT, WOMEN'S ATHLETIC DIRECTOR, UNIVERSITY OF IOWA; VIVIAN L. FULLER, ASSOCIATE DIRECTOR, INTERCOLLEGIATE ATHLETICS, INDIANA UNIVERSITY OF PENNSYLVANIA; AND LEE A. McELROY, ATHLETIC DIRECTOR, CALIFORNIA STATE UNIVERSITY

Ms. VARGYAS. Thank you very much.

Madam Chairwoman, members of the committee, I commend you on holding this hearing and looking into these extraordinarily important issues, and I'm deeply honored to have the opportunity to testify.

My own background is as a lawyer, and having litigated what is probably still the leading title IX case in post-secondary education, Haffer v. Temple University, which gave me a fascinating experience in looking at these issues, based on that I have spoken and written widely on the subject, and I have the opportunity to talk to literally dozens of athletes, coaches, parents, other interested persons every year from around the country, and it is with that perspective that I come to the committee.

It is abundantly clear that 20 years after title IX's enactment, post-secondary competitive athletics are still characterized by persistent and pervasive discrimination against women and girls. This goes both to athletes and also the very important area of employment opportunities.

I'm not going to restate the facts from the NCA's survey except to say that the numbers are extraordinarily disturbing. More than half of all college students are female, 30 percent of college athletes are women, which has held constant since approximately 1978. Less than 1 in 3 athletic scholarship dollars go to women, barely 1 in 5 operating dollars, and an even smaller percentage of recruiting.

The linkage between these very depressed expenditures on scholarships and recruiting on the one hand and participation on the other fairly cries out. If we were to spend more than 17 percent of our recruiting dollars on women, maybe—just maybe—we would find more than 1 in 3 of our athletes to be women.

I want to take a moment to look at the facts behind these numbers, because we are talking about the treatment of very real people. We heard about the lack of interest of women in athletics. I can reel off example after example of women whose teams are

Center; Ms. Christine H.B. Grant, the women's athletic director at the University of Iowa; Ms. Vivian Stringer, head women's basketball coach at the University of Iowa; Ms. Vivian L. Fuller—Dr. Fuller—associate director of intercollegiate athletics for the Indiana University of Pennsylvania; and Mr. Lee McElroy—Dr. Lee McElroy—director of athletics for the California State University at Sacramento.

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STATEMENT OF ELLEN J. VARGYAS, SENIOR COUNSEL FOR EDUCATION AND EMPLOYMENT, NATIONAL WOMEN'S LAW CENTER

My name is Ellen J. Vargyas. I am Senior Counsel for Education and Employment at the National Women's Law Center, a non-profit legal organization which has worked to secure equal rights for women and girls since 1972. The effective enforcement of title IX of the Education Amendments of 1972, the principal Federal law prohibiting sex discrimination in education, has been a top priority throughout our history. Within the title IX complex of issues, a particular and long-standing focus of the Center has been the eradication of sex discrimination in education related athletics.

The Center was actively involved in the debates surrounding the promulgation of the title IX regulations, including those regarding athletics, and we brought the first major post-secondary title IX case in this area, Haffer v. Temple University. Haffer successfully challenged the pervasive sex discrimination in Temple University's intercollegiate athletic program and resulted in a ground-breaking settlement which significantly advanced the cause of gender-equity in athletics.

Center attorneys consult widely on issues of sex discrimination in sport. We field many dozens of requests every year for information and assistance from athletes, coaches, administrators, parents and others interested in achieving sex equity in sport. We also routinely provide assistance to their attorneys and institutional representatives. In addition, we frequently speak and write on these issues. Our background has given us a unique perspective on the problems facing girls and women in education related athletics.

It is abundantly clear that 20 years after title IX's enactment, post-secondary competitive athletics, the subject of this hearing, are still characterized by persistent and pervasive discrimination against women and girls. To be sure, in certain respects women and girls have made substantial progress. Of course, given the virtual exclusion of women and girls from athletic opportunities prior to 1972 almost any improvement would be substantial. In other respects, principally in the very important area of employment opportunities, women have actually lost considerable ground over this same time period. In any event, the bottom line is the same. Women and girls are systematically denied anything even resembling equal opportunity or equal treatment in post-secondary competitive athletics.

I very much appreciate this opportunity to present my views regarding the nature of the problem as well as what needs to be done to eliminate the blight of sex discrimination from the competitive athletics programs of our Nation's colleges and universities. First, I will review the abundant evidence demonstrating the distinctly second class treatment of women and girls in competitive athletics. Second, I will address the underlying causes of these inequities which, in my view, stem directly from a failure of leadership in both the university community and government enforcement agencies to address the problem.

Advocates for sex equity in athletics have long known that female athletes are relegated to an unfairly and disproportionately reduced portion of the participation opportunities, scholarships, and operating support which flow to competitive post-secondary athletics. The nationally-based NCAA Gender-Equity Survey performs a significant service by adding important, nationally-based details to the analysis. The information it contains enables us, for the first time, to fully understand the depth and breadth of gender-based inequities in higher education athletics. Let me take a moment to review the key findings.

To begin with, the NCAA study confirms that women are only 30 percent of college athletes. See Tables 1, 5, 9, 13 and 17 of the NCAA Study. This number has held constant for approximately 15 years. The most competitive colleges and universities—those in Division I-A—have the worst female participation rates, at 28.6 percent. See Table 5.

The distribution of the tens of millions of dollars of athletic financial aid which is allocated annually to college and university athletes is similarly inequitable. While the NCAA does not provide information regarding total scholarship expenditures, it does conclusively demonstrate that female athletes get less than one in three athletic scholarship dollars. This is true in both the most competitive programs, and the less competitive Division II programs. See Table 1; p. 20.

The allocation of non-scholarship resources is even less equitable. The NCAA confirms that Division I programs provide barely over one in five operating dollars to their female athletes and only 17 percent of recruiting dollars. The most competitive programs—those in Division I-A—are again the most inequitable. See Tables 2, 6. Division II female athletes also receive less operating support than even their reduced participation numbers would suggest. See p. 20. The linkage between the dis-

parities in expenditures in recruiting and scholarship dollars and the 30 percent female participation rate is particularly telling. With an equitable allocation of resources in recruiting and scholarships, female participation would easily reach a level commensurate with female undergraduate enrollment.

While dramatic, the NCAA figures are devoid of human detail. Our extensive experience in working with female athletes, their coaches and advocates over the years enables us to provide these details and demonstrate just what the NCAA numbers mean to female athletes. The following is a brief summary of what I hear from female athletes and their coaches on an almost daily basis, pegged to the categories in the title IX athletic regulations:

—Many young women who want to—and have demonstrated the ability to—participate in varsity athletics are denied any opportunity at all to compete or are relegated to club programs which receive little or no institutional support. This is nearly always in the face of athletics programs which persist in maintaining twice as many varsity athletics opportunities for their male students as their female students. Recently, post-secondary institutions have refused to create varsity teams in, for example, women's ice hockey, basketball and gymnastics, despite demonstrated interest and disproportionate opportunities for male students. 34 C.F.R. 106.41(c)(1).

—The young women who are denied the opportunity to participate are also denied access to extremely valuable athletic scholarship dollars, accounting for the discriminatorily depressed 30 percent female scholarship rate. 34 C.F.R. 106.37(c).

—Female athletes too often receive inferior equipment and supplies. In addition to disparities in actual athletic equipment, this includes uniforms which are replaced on a much slower schedule than those of their male classmates, fewer pairs of free sneakers, and the more frequent expectation that they will launder their own athletic clothing. 34 C.F.R. 106.41 (c)(2).

—Female athletes often receive less favorable competition and practice times and are assigned to the less desirable competitive and practice facilities including locker rooms. A common problem is that women's competitions are often scheduled as the "warm-up" event for the "more serious" men's competitions which are held at the most desirable times. 34 C.F.R. 106.41 (c)(3) and (7).

—Female athletes often are allocated less desirable modes of travel and travel accommodations. There are still reports of situations where a male team flies to a certain destination while a female team from the same school takes a bus. Or, the male team arrives the night before an event so that its members can rest and be in prime shape for the competition while their female classmates arrive and go straight into the competition. Female athletes are still told that because their male classmates are bigger than they are, it is only fair that the young men get more money to spend on food and are assigned fewer to a hotel room. 34 C.F.R. 106.41 (c)(4).

—Coaches of women's teams are paid less than coaches of men's teams, see discussion below, and have significantly fewer assistant coaches than their counterparts who coach men's teams. While there are many extraordinarily dedicated and capable women and men coaching female athletes, overall female athletes do not receive the level of coaching of their mate classmates because their institutions simply will not pay for it. 34 C.F.R. 106.41 (5) and (6).

—Female athletes still encounter trainers who will tend to their needs, if at all, only after the men are taken care of. There are still too many systems in place which allocate trainers to men's teams at a much higher rate than to women's teams regardless of the injury rates in the respective sports. Moreover, although it is now widely recognized that weight training is an important component of their training, female athletes are typically denied equal access to weight training facilities and competent coaching. 34 C.F.R. 106.41 (c)(8).

—Colleges and universities spend only a small fraction on their women's teams of what they spend on their men's teams in terms of publicity and marketing. Citing lower spectator interest in women's sports, they ignore the obvious and important role of publicity and marketing in promoting such interest. One of the most memorable figures to emerge from the Haffer litigation was that over a 3 year period, Temple spent 0.5 percent of its publicity expenditures on its women's teams. It was obvious why hardly anyone went to the women's competitions. Nobody knew about them. 34 C.F.R. 106.41 (c)(10).

In short, in 1992—20 years after the enactment of title IX—female athletes still suffer from discrimination in virtually every aspect of intercollegiate athletics.

The record is similarly clear regarding the very serious problems facing women in employment across-the-board in post-secondary athletics. Women have been forced out of many athletic related jobs, female employees are paid less than males, and coaches of women's teams are paid less than coaches of men's teams. Moreover, while there have been improvements in the situation of female athletes since title

IX was passed, women who want to work in post-secondary athletics are actually in a worse situation than they were 20 years ago.

Carpenter and Acosta, two respected researchers from Brooklyn College, have found the following:

—While in 1972 women were over 90 percent of all coaches for women's teams, by 1990 they were less than half. Unchanged was the fact that in both years, less than 1 percent of coaches of men's teams were women.

—The situation in sports administration is even worse. In 1972, over 90 percent of women's programs were run by women. By 1990 that figure dropped to 16 percent. Moreover by 1990, only 32 percent of all administrative jobs in women's programs were held by women and no women at all were involved in the administration of 30 percent of women's programs. The administrators of men's programs were and are overwhelmingly male. Less than 1 percent of men's programs have ever been run by women.

The recently published ACE Factbook on Women in Higher Education (American Council on Education, 1991) adds concrete numbers to show the nature of the problems facing women in athletic administration. ACE found the following for academic year 1987-1988:

1. In 1,410 post-secondary institutions surveyed, including both public and private and 4 and 2 year institutions: [1]

—There were 807 male and 75 female athletic directors. The men's median salary was $42,181 and the women's was $30,120.

—There were 404 male and 26 female sports information directors. The men's median salary was $23,738 and the women's was $19,000. Table 97.

2. In public universities and 4 year colleges surveyed:

—There were 295 male and 16 female athletic directors. The men earned a median salary of $50,378 and the women earned $42,000.

—There were 215 male and 7 female sports information directors. The men earned a median salary of $26,156 while the women earned $24,720. Table 98.

3. In private universities and 4 year colleges surveyed:

—There were 362 male and 46 female athletic directors. The men earned a median salary of $37,000 and the women earned $26,000.

There were 182 male and 18 female sports information directors. The men earned a median $21,000 and the women earned $18,191. Table 99.4. In public 2 year colleges surveyed:

—There were 130 male and 11 female athletic directors. The men earned a median salary of $39,060 and the women earned $31,583. (No data was presented on sports information directors for these schools.) Table 100.

The 1992 NCAA survey also provides highly relevant—and equally disturbing information. To begin with, it confirms Acosta and Carpenter's findings regarding the percentages of men and women coaching men's and women's teams. In Division I schools, for example, 98.6 percent of men's teams are coached by men while only 44.8 percent of women's teams are coached by women. See Table 3. Men have virtually all of the jobs coaching men's teams and well over half of the jobs coaching women's teams.

It also demonstrates the depth of the salary disparities facing the coaches of women's teams. (The NCAA report does not include data regarding salaries of male and female coaches.) For example, although it is virtually the same game, Division I coaches of men's basketball teams are paid an average base salary of $71,511 while coaches of women's teams receive $39,177. Even leaving aside that these are only base figures and do not include a substantial part of the compensation packages received by coaches of men's basketball teams, women's coaches receive only 54.7 as much as the men's coaches. Yet, these are the best paid women's head coaches.

There is nothing on the women's side to compare to the average $81,574 base pay paid to Division I football coaches or even the $43,569 paid to men's ice hockey coaches. See Table 4.

The disparities are not only in the high visibility sports. Baseball head coaches (men's teams) receive an average salary of $34,126 while softball head coaches (women's teams) are paid $21,169. Looking at other comparable teams, men's head coaches receive more than their counterparts coaching women's teams in cross country, fencing, lacrosse, rifle, soccer, swimming, tennis, indoor/outdoor track, and volleyball. Only the coaches of women's golf, gymnastics, and skiing are paid more

[1] In this and the following categories, not all institutions surveyed reported the requested information.

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than coaches of comparable men's teams and the differences in compensation are quite small.

Similar differences are reflected in assistant coach salaries. The most dramatic is in basketball where the average Division I men's basketball program spends $75,311 in base salaries on assistant coaches while the comparable women's program spends less than half as much, or $35,477. Again, however, the problem is not confined to basketball.

It is beyond dispute that female athletes, coaches, and administrators are systematically subjected to second class treatment in college and university athletics programs. The next question is why has this situation been permitted to continue to date and what can be done?

The problems I have just set out are not caused by the failure of Federal law to prohibit discrimination against girls and women in education related athletics or by the lack of availability of enforcement mechanisms. Title IX forbids nearly all of the practices described above and with the 1988 passage of the Civil Rights Restoration Act reversing the Supreme Court's 1984 decision in Grove City College v. Ball, title IX's applicability to athletics discrimination is well established. A Federal Agency, the Department of Education's Office for Civil Rights, is charged with the administrative enforcement of title IX. Since the Supreme Court's 1979 decision in Cannon v. University of Chicago, private plaintiffs have been able to rely on a private right of action to bring their own lawsuits; prevailing plaintiffs are entitled to attorneys fees under the 1978 Civil Rights Attorneys Fees Awards Act, 42 U.S.C. 1988; and as of February, 1992 with its decision in Franklin v. Gwinnett County Public Schools, the Supreme Court has just provided a damages remedy under title IX which will be applicable in most athletics discrimination cases. Why, then, has this discrimination persisted?

In my view, the answer stems from a failure of leadership in the university community which has been exacerbated by the Office for Civil Rights' abandonment of a strong enforcement role and the practical difficulties inherent in bringing private litigation. The university community has not meaningfully addressed sex discrimination in competitive athletics because it has not been forced to and because it has not found the will to resist the-powerful special interests seeking to maintain intercollegiate athletics as the boys' club it has historically been. Let me address these issues separately.

After title IX's enactment, there was an explosion in the athletic opportunities offered to girls and women in both high schools and colleges. However, by 1980 the progress had come to an end. At the same time, OCR retreated from its previous active enforcement presence and became almost invisible on questions of title IX enforcement. Following the Supreme Court's decision in Grove City College in 1984, and until the passage of the Civil Rights Restoration Act in 1988, OCR opted out of any role whatsoever in addressing athletics discrimination.

OCR has slowly reentered the field after the passage of the Restoration Act, even declaring athletics discrimination a priority in 1991. Nonetheless, serious problems remain which keep OCR from being a serious player in the effort to end the pervasive discrimination in post-secondary athletics. For example, in the spring of 1990, it distributed a manual for its investigators to use in athletics investigations which failed to address many of the major problems confronting women in athletics. In the fall of 1990, I submitted on behalf of the National Women's Law Center and the National Coalition for Women and Girls in Education a detailed critique of the Manual and a series of very specific requests for changes. A year and a half later there is still no firm answer from OCR—even including a rejection—regarding any of these matters. Yet these are very important issues. A case in point is OCR's analysis for determining compliance with the scholarship regulation. The title IX regulation requires that the female scholarship rate be proportionate to the female participation rate. OCR takes the view that an institution is out of compliance only if the percentage of scholarships allocated to female athletes differs in a statistically significant fashion from the female participation rate. This analysis permits post-secondary institutions to spend tens of thousands of dollars less on their female athletes than true proportionality would dictate, simply because of the nature of statistical analysis. Moreover, OCR does not even acknowledge the far more fundamental problems inherent in using a discriminatorily reduced participation rate as the basis for evaluating scholarship compliance. This is in spite of the fact that the one court to have addressed this issue concluded that schools may not rely on discriminatorily reduced female participation rates to justify similarly reduced scholarship rates. See Haffer v. Temple University, 678 F. Supp. 517, 539 (E.D.Pa. 1987). OCR's disregard of scholarship discrimination against female athletes is particularly ironic in light of the major emphasis it has currently placed on eliminating limited schol-

arship programs targeted to minorities which are narrowly tailored to redress effects of longstanding race discrimination in this country.

By way of a second example, although OCR has had pending for a number of months a draft policy guidance regarding title IX implications for team cut-backs—a policy guidance which could be extremely useful in addressing a major problem currently facing female athletes—it is still not out. Schools continue to further reduce the already discriminatorily reduced participation opportunities for young women in the name of cost-containment.

OCR's problems go beyond the failure to articulate appropriate policy and very much include the resolution of complaints. A case in point is the recent disposition of a major complaint regarding the athletic program of Brooklyn College of the City University of New York. The problems began during the investigation, when OCR failed to cooperate meaningfully with the complaining parties, appearing to work very closely instead with the institution which was the subject of the complaint. Indeed, a City University of New York attorney accompanied OCR investigators on a least one interview of a witness where the witness—a City University employee—was not informed of the attorney's affiliation. The complaining parties were never given anything other than general notice of interviews and were certainly never given the opportunity to accompany the investigators on such interviews.

While OCR did ultimately find a number of violations in Brooklyn College's program, it found—according to the analysis discussed above—that although Brooklyn College had violated title IX by not giving female athletes equal participation opportunities, there was no violation in the allocation of scholarships because it was proportionate to the discriminatorily reduced participation rate. As such it put its imprimatur on a system which unfairly denied women many thousands of dollars of scholarship assistance.

In resolving the Brooklyn College complaint, OCR accepted assurances from Brooklyn that it would come into compliance with title IX in certain respects. Based on those assurances OCR actually found that there was no violation of the statute although it had found many specific violations during the course of the inquiry. Moreover, OCR closed the case as of the date the Letter of Findings was issued. The assurances, which accomplish relatively little, were negotiated without any input at all from—or even notice to—the complaining parties. In any event, there is no mechanism in place to guarantee that even these assurances will actually be complied with. I am told by the complaining parties that several dates by which time Brooklyn College had committed to take certain actions have already lapsed without such action having been taken.

The complaining parties must now struggle with the question of whether—and how—in the absence of any delineated follow-up mechanism and the fact of a closed case, to enforce these assurances. They are not alone in facing this dilemma. The finding of no violation based on assurances given by an institution under investigation, a closed case, and no enforcement of the assurances is a common pattern and problem in OCR investigations.

A second enforcement problem in the Brooklyn College case is that OCR did not address any issues which arose in the 1991-92 academic year although its Letter of Findings was issued in 1992. Because of major changes in the program in the 1991-1992 academic year, principally involving the dropping of football, much of OCR's analysis—which is based on the facts of the 1990-1991 academic year—is no longer relevant and the assurances are even less useful than they would be otherwise. Moreover, further demonstrating OCR's weakness as an enforcement Agency, there are serious allegations of retaliation, occurring after the date of the OCR Letter of Findings, against certain college employees who were involved with the complaint. Perhaps the most frustrating part of the whole episode is that OCR views its resolution of this complaint as a major success in its enforcement effort.

For all of these reasons, the great majority of potential complainants in title IX athletics cases do not view OCR as a viable enforcement Agency which will thoroughly investigate and effectively resolve their claims. At the same time—and for the same reasons—colleges and universities do not take OCR seriously as a force requiring the eradication of sex discrimination in their athletics programs.

The relatively little private litigation to enforce title IX, to date, has also contributed to the complacency of the university community. The National Women's Law Center brought the leading post-secondary title IX case, Haffer v. Temple University, which ultimately resulted in a highly favorable settlement for the student-athletes. Nonetheless, that experience is an object lesson regarding the difficulties of private litigation. To begin with, it took 8 years to resolve the case. In large part this was due to Temple's aggressive defense and its willingness to pour substantial money into legal fees, money which it was unable to find for its women's athletics

program. The named plaintiffs, who were extremely dedicated to the principles involved as well as to the case, had long since graduated by the time of the settlement. They received absolutely no concrete benefit from the litigation and no redress for the discrimination they suffered. Most potential plaintiffs are not so selfless—nor should they have to be.

However, unlike the problems with OCR which do not seem likely to be resolved in the near term, many of the problems confronting potential private plaintiffs have been favorably resolved by the Supreme Court's recent decision in Franklin v. Gwinnett County Public Schools. In Franklin the Court held that a monetary damages remedy is available for intentional violations of title IX. This includes nearly all post-secondary athletics discrimination; since opportunities and benefits are allocated according to the athletes' gender, the resulting disparate treatment is "intentional" within the meaning of the law.

The damages remedy provides a important incentive for plaintiffs—even those afraid of retaliation which is an all too common concern—to come forward because there is now tangible compensation for their injuries. Practically speaking, a damages remedy also makes these cases more attractive to the bar and will likely attract more attorneys. Perhaps most important, the damages remedy sends a strong message to education institutions that—finally—it is in their self interest to end the discrimination. Temple's 8 year delay strategy made sense only because Temple was assured that when a remedy was ultimately fashioned it would be prospective only. The university knew that it would not be held accountable for the years of discrimination. Under Franklin, an institution will be held financially accountable to the women against whom it has discriminated. Franklin thus counsels that it is in an institution's interest to act promptly to eliminate discrimination in order to limit its liability.

Even if OCR were to pursue a more active and aggressive enforcement policy and even if the expected increase in private litigation under Franklin materializes, this still will not solve the problem. The university community must take full responsibility for the pervasive sex discrimination in its intercollegiate athletic programs and it must exercise the leadership to eradicate that discrimination. It has a long way to go. The few tentative steps which have been taken are a start but they are not nearly enough.

Much has been made of the NCAA Gender-Equity study. And, as I stated earlier, it certainly provides important and useful information. But it will go for naught unless and until college and university presidents across the country acknowledge that something is fundamentally wrong with a system which intentionally sets aside more than two-thirds of its extremely valuable benefits for men only. To date, the key players have carefully avoided drawing the only possible conclusion from its study which is that its findings reflect discrimination. Meanwhile, the Knight Commission has acknowledged gender-equity as an issue but actually taking—or even recommending—concrete steps toward the elimination of such discrimination appears to be a peripheral concern at best. Indeed, in its 1992 report entitled "A Solid Start", the Knight Commission seems fully satisfied with the NCAA survey, and points to no other progress in the area of gender-equity. Recently, the NCAA did temporarily shelve a planned decrease in scholarships which may be awarded to female athletes but there continues to be a very substantial gender disparity both in NCAA sanctioned sports and scholarships which directly contributes to the dramatic inequities detailed in its report. In short, there is not much out there yet to suggest a serious attack on gender discrimination in athletics.

Eliminating this discrimination is not a particularly complicated matter. To be sure, creating a gender-fair intercollegiate athletic system will lead to some dislocations over the short term, particularly in an era of limited resources. Ironically, many of these dislocations will actually accrue to higher education's financial benefit since, contrary to the prevailing mythology, most competitive athletics programs lose money, even on their high profile men's programs. But the questions here are ultimately not about money. It is simply not tenable for our higher education institutions to perpetuate a system characterized by pervasive sex discrimination. The challenge is clear. The question is whether our colleges and universities are up to the task.

Mrs. COLLINS. Thank you.

Ms. Grant.

STATEMENT OF CHRISTINE H.B. GRANT

Ms. GRANT. Madam Chair, members of the subcommittee, there are three primary points that I would like to make. One, when title IX was enforced in the seventies there was phenomenal growth in the opportunities for women in sports in this Nation. When title IX was not enforced in the eighties, progress came to a screeching halt. We have seen almost no progress in 12 years. My second point: there are rampant discriminatory practices being exposed today, 20 years after the passage of title IX; and, three, women will disappear from coaching and athletic administrative positions at both the high school and collegiate levels by shortly after the turn of the century if the current trends continue.

The degree of discrimination has recently been exposed by the NCAA Gender Committee and this week's Chronicle of Higher Education. The data are clear: Women are discriminated against in every quantitative area investigated. Many of our most prestigious universities are indicted this week.

We women have tried to press for progress on our own campuses to no avail. We have tried to convince the NCAA's Presidents Commission to lead the way against discrimination, to no avail. We strongly encourage the Knight Commission to make women's issues a critical part of the new athletic model, also to no avail. My appeal to you today is to make equity for women in sport a priority. If you do not, women will have nowhere else to turn.

Let me share some facts. When title IX was passed in 1972, critics protested that women were simply not interested in sport and, if they were interested, there was no money, and forcing the issue would bankrupt men's sports. This was simply not true.

In public schools, girls' participation figures exploded in the seventies from 7 percent to 35 percent by 1981, and in colleges it has soared to 30 percent, and the rates would have continued to grow if title IX had been continued to be enforced. The result is that we have many women today who would like to participate in varsity sports but who are limited to intramural or club sport experiences. The problem is not a lack of interest, the problem is a lack of opportunity.

Far from bankrupting men's sports, the seventies and the eighties saw a five-fold increase in the funding levels for men's athletic departments in Division IA football-playing institutions; 1972 expenses were $1.5 million; they rose to $7.9 million in 1989. That explosive financial growth was in stark contrast to the stagnation of women's sports in the eighties.

Despite the fact that women constitute a majority of the undergraduate population, they still get less than a third of all scholarships and less than one-sixth of the recruiting moneys, and such disparities would be inconceivable if applied to college admissions and academic scholarships. In fact, such policies would evoke a national outcry. Our current practices in athletics are no less a national disgrace.

At universities, we have an entire change of population every 4 years approximately, and that constitutes one generation. Thus, since title IX was passed we have had five generations of women with only limited athletic opportunities. In a just society, the budg-

ets and participation rates would reflect the undergraduate male/female ratio, but for women today they experience only 30 percent of the athletic population. So many of our students have forever lost their opportunity to experience athletics and also get a college education.

There is one last critical area for women in sport that absolutely must be stressed at this committee, and that is the predicted extinction of women in coaching and administration. Title IX has been misused to force mergers of men's and women's athletic departments with the position of athletic director always going to men.

Twenty years ago, more than 90 percent of women's athletic programs were administered by women in Division I. That has plummeted to 7 percent today—from 90 percent. Additionally, there are now no women left at all in any administrative position in over 30 percent of our universities. Exactly the same pattern is seen in coaching ranks, from 90 percent to less than half. If these trends continue, there will be no women left shortly.

Mrs. COLLINS. The time of the gentlewoman has expired.

Ms. GRANT. May I say one last thing?

Mrs. COLLINS. Of course.

Ms. GRANT. As Edmund Burke reportedly said, the only thing necessary for the triumph of evil is for good men to do nothing. My closing appeal to you good people is to do something.

[The prepared statement and attachment of Ms. Grant follow:]

STATEMENT OF CHRISTINE H. B. GRANT, WOMEN'S ATHLETIC DIRECTOR, THE UNIVERSITY OF IOWA

To many of us in women's athletics the findings of the recent NCAA Gender Equity Study are no surprise. While the passage of title IX offered hope for the equitable representation of women in intercollegiate sport, lack of title IX enforcement and absence of concern toward gender equity by responsible parties have stalled progress. What follows is a brief outline of some aspects of gender equity in intercollegiate sport. These include past efforts toward gender equity and the events and forces impeding such efforts; the current status of gender equity; prevailing resistant attitudes toward gender equity; and justification and a suggestion for attaining equity.

Prior to the 1970's, the prevailing rationale for the lack of female opportunities in sport was the erroneous conception that girls and women were just not interested in sport.

After title IX was passed in 1972 and educational institutions were forced to offer sport opportunities for girls, the number of girls participating in sport at public schools exploded from 7 percent in 1971 to 35 percent in 1981.

At the collegiate level where title IX was being actively enforced during the 1970's, women's participation in sport increased to approximately 30 percent of the athletic population.

During the 1980's, the Federal administration did not enforce title IX and in 1983 it was eviscerated in the Grove City decision. Almost no progress was made in the 1980's: in 10 years, there was less than a 1 percent increase in participation for girls in the Nation; there was no increase in collegiate women's participation figures.

The common interpretation of title IX was that educational institutions would be in compliance if they had an equal number of teams for females and males regardless of the fact that football opportunities automatically meant that a 2-1 participation ratio existed in favor of males. The concept of offering more sports to females to compensate for the disparate numbers in football simply was never persuasive to those in decision-making positions in educational institutions.

In the early 1970's, more than 90 percent of women's athletic programs at the collegiate level were autonomous from the men's programs and of those programs more than 90 percent were headed by women.

The Association for Intercollegiate Athletics for Women (AIAW) was created in 1971 and was the national governing structure for collegiate women's programs, i.e., the parallel structure to the NCAA.

Because the AIAW utilized more geographically confined State and regional championships as qualification routes to the national championships, women generally did not participate in the conferences established for male competition, e.g., Big Ten.

Citing a need to be cost-efficient, many institutions merged their men's and women's athletic programs at the institutional level in the 1970's. In all instances, the position of the athletic director was given to the top male administrator.

The NCAA, having unsuccessfully attempted to exclude athletics from title IX and later to exclude men's football and basketball from title IX, determined to initiate women's championships in Divisions II and III in 1980 and women's championships in Division I in 1981. The move eroded the financial base for AIAW and it was put out of business by July 1982. Women's athletic programs in 4-year institutions were then put under the jurisdiction of the NCAA or the National Association of Intercollegiate Athletics (NAIA). Women's participation opportunities were significantly decreased under both of these organizational structures and institutions faced a significant increase in costs by placing their women's programs within the NCAA.

During the takeover of the AIAW by the NCAA, men's conferences were also moving into the area of women's athletics.

Comment: A common and erroneous rationale for mergers and/or takeovers at all levels was that title IX required that male and female student-athletes be treated in identical fashion, especially in the realm of rules and regulations. The net result of these actions was a loss of self-determination for women in collegiate sport in this Nation at the institutional, conference and national levels. The 1975 interpretation issued by HEW specifically noted that title IX does not require that men's and women's athletics be administered by a single structure and in 1979 HEW Secretary Patricia Harris expressed concern about diminishing opportunities for female coaches and administrators in stating, "We would expect that as schools amend their programs, they would do so with sensitivity and with recognition that such changes should result in enhancing—not minimizing—the role of women coaches and athletic directors, as well as women athletes, in sport programs."

In the early 1970's when there was little or no funding for women's programs, and little or no recompense for those who worked in women's athletics, over 90 percent of the coaches and administrators were female. The charts on the following page display the alarming trends that have developed over the past 20 years.

Comment: Female directors of women's programs are almost extinct, yet it is interesting to note that of the nine separate women's programs existing in Division I, three of these programs (Texas, Tennessee and Iowa) have consistently been top in the Nation in attendance at women's basketball for the past several years. Obviously, this is not a coincidence, rather it reflects, I believe, the result of well funded, well supported and well promoted programs, run by women who truly believe in them.

In the last decade, Acosta and Carpenter studies have consistently shown that in more than 30 percent of the institutions there is not even one woman left in an administrative position. In summary, women in administration seem to be disappearing.

Exactly the same trend exists in the coaching ranks at both the public school and collegiate levels, in spite of the intent of title IX. In a study by Tolliver (1991), it is predicted that no women will be coaching basketball at the public school level by 1999 in eight States. The study included data from eight States. By 2002–3 she predicts that few if any women will be left in the collegiate basketball coaching ranks. Unfortunately, the trends detected in girls' and women's basketball can also be found in all other States and in all other girls' and women's sports; in fact, the elimination of women as coaches in other sports may occur sooner than in basketball (see chart D on previous page). I fail to understand why this situation has not provoked a national outcry. Perhaps it is because few people know the facts because sportswriters, who are almost exclusively male, do not see this issue as a national concern.

As noted previously, when title IX was vigorously enforced in the 1970's, progress at the high school and collegiate levels was phenomenal for women in sport.

The sudden cessation of enforcement of title IX in the 1980's, brought about by the attitude of the White House and the Grove City decision, caused progress in participation opportunities for women to come to a grinding halt. To be fair, it should be noted that funding for women's sports did grow to a degree during the 1980's but

an analysis of the decade will surely prove that the individual educational institutions in our Nation chose not to voluntarily increase the participation opportunities. The prior growth of opportunities, it would appear, had been largely the result of enforced Federal legislation rather than the actions of committed educational leaders.

There were two instances in which significant progress in participation slots for women in sport was made in the 1980's; however, the progress was the result of two lawsuits. In 1987, Judge Dolliver, in overruling the lower court's decision to exclude football in the Washington State University case, noted that "to exclude football, an all male program, from the scope of the equal rights amendment would only serve to perpetuate the discriminatory practices and diminished opportunities for women" (Blair vs. Washington State University, 1987). The University was ordered to increase spending until the percentage of female athletes compared favorably with the percentage of women undergraduates at that institution. The other landmark case was an out-of-court settlement in 1988, the Haffer vs. Temple University lawsuit. In this case, participation and scholarship rates for women were ordered to be increased to approximately 43 percent.

Together, the Civil Rights Restoration Act of 1987 as well as the Temple and the Washington State University cases provided a beacon of light that true equal opportunity for women in sport might be the thrust of the 1990's.

The NCAA should be strongly commended for having conducted the most extensive and thorough study that has ever been done on the opportunities for women and men in collegiate sport.

However, the results are even worse than many realized, even though this study probably painted a rosier picture than actually exists.

For Division I-A, the results are especially disturbing:

[In percent]

	Female	Male
Participation	29	71
Athletic scholarships	28	72
Operating budget	20	80
Recruiting budget	16	84
Male coaches in men's sports: more than 99 percent		
Male coaches in women's sports: 54 percent		

The male/female salary discrepancies are significant in almost all instances.

Comment: I would hope that the CEO's at universities will be shocked into investigating exactly what the situation is at their own institutions. However, I am yet to be convinced that these same CEO's who failed to make voluntary progress in the 1980's are suddenly going to be committed in the 1990's to increasing participation rates as well as increasing funding. I hope I am wrong.

It should also be very carefully noted that the NCAA data are quantitive data for selected areas. There are dozens of other areas in which data now must be collected and that data collection should also include qualitative aspects of the athletic experience.

One of the unfortunate results of the institutional mergers, in which women were actually submerged, is that most of these women are not free to speak up for progress on their own campuses. If they do, they may not retain their positions. Thus, even basic inequities such as equal access to facilities at prime times is still a problem at some major institutions in 1992. The NCAA study only scratched the surface of the issue; only when non-athletic personnel at the individual institutions conduct a thorough probe will all of the discriminatory practices be exposed.

Current reaction to increasing participation opportunities for girls and women elicit the same reactions that were given in 1972:

Females are just not as interested in sport as males.

There are no moneys available to provide additional participation slots for females and if the issue is forced, creating these opportunities will bankrupt sports for males.

Comment: Many both in and outside of sport, confuse lower participation numbers in girls' and women's sport with a lack of interest. The lack of interest is not the problem; the lack of opportunity is. For example, today at The University of Iowa, like every other University in the country, we have many, many women in club

sports, some of which could easily be elevated to the intercollegiate level: Aikido, Fencing, Kayaking, Racquetball, Crew, Rugby, Sailing, Scuba Diving, Skiing, Soccer and Table Tennis. Obviously, there is not a lack of interest. Moreover, there are thousands of talented young women coming from the high schools with interest and expertise in other sports that the University of Iowa currently does not offer at the intercollegiate level. Were these sports available, we could easily recruit the female students. Similarly, at the public school level if girls had a large variety of choices of sports in which to participate, there is no question that the participation rates would increase in the 1990's in the same way that they did in the 1970's.

The lack of financial resources has been an ongoing excuse since 1972, yet, when budgets for men are analyzed, there has been considerable growth in these budgets over the years.

TOTAL EXPENSES OF MEN'S AND WOMEN'S ATHLETICS PROGRAMS, FISCAL YEARS 1981–1989

[Dollar amounts in thousands]

Average expenses by NCAA division	1981	1985	1989	Percentage of 1989 total expenses
Division I-A:				
Men's program	$4,308	$6,158	$7,882	82
Women's program	502	799	1,805	18
Division I-AA:				
Men's program	1,189	1,990	2,421	76
Women's program	176	367	785	24
Division I-AAA:				
Men's program	631	878	1,296	68
Women's program	188	206	618	32

Further, one should understand that although football and men's basketball in Division I do bring in the bulk of the moneys to fund other athletic teams, these same two sports eat up a considerable portion of the income and an attitude exists that it is "their" money rather than institutional income. On a national average, football in Division IA used 32 percent of the total athletic expenditures in 1989 and men's basketball used 10 percent for a combined expenditure of 42 percent; women's total sports expenditures were 18 percent.

Although the Knight Commission did invite several female administrators and coaches to testify, the Commission elected not to change their "one-plus-three" model (A model in which Presidential Control focuses on creating (1) academic integrity, (2) financial integrity and (3) independent certification) to a new "one-plus-four" model which would have included equity as one of the four prongs. Rather than acknowledging the severity of the discrimination as noted by those in women's athletics, the Commission registered its concern on that issue primarily in one paragraph (page 14). If members of the Knight Commission, after hearing testimony, failed to appreciate the breadth and depth of discrimination, it is unlikely that great support for women will come from other groups.

Almost the same aforementioned criticisms can be made of the NCAA Presidents' Commission, a group which until very recently was strongly advocating a 10 percent reduction of athletic scholarships for women as well as men. Moreover, it would appear that equity is far from being their highest priority since it is one of the last issues to be addressed in their current plan for reform of intercollegiate athletics. Women in athletics, generally, have yet to be convinced that the leaders of higher educational institutions in this Nation are truly committed to equity.

It is hardly surprising that the NCAA has uncovered massive discriminatory practices at individual institutions when the Knight Commission and the Presidents' Commission recently have failed to take corrective action on this national problem. Even one of our more knowledgeable CEO's in the area of athletics was recently quoted in the USA Today as having stated that "for now his institution must exclude football in gauging its efforts to reach equity." These sentiments are expressed by the Chancellor of the University of Mississippi, who is none other than the Past Chair of the NCAA Presidents' Commission, Gerald Turner. A similar belief is apparently held by the president of a large, prestigious university who is noted as saying in a recent press release, "We are pleased to report that progress continues and, with the exclusion of football, we have essentially achieved gender equity." (Release in March, 1992).

Attitudes which exclude football in the equity equation obviously constitute a major barrier to progress for women in sport at the collegiate level.

Another major problem occurs when a coach is penalized because she/he protests inequities. Such was the case this month at California State University at Fullerton. Recently the institution had decided to abolish the volleyball program but the coach, Jim Huffman, filed a lawsuit and obtained a preliminary injunction prohibiting the elimination of volleyball. Three days after the judge's ruling, Huffman was fired. The University was found not to be in compliance with Article 5 of the California Statutes which requires "that opportunities in athletics be provided on as nearly an equal basis to male and female students as is practicable, and that comparable incentives and encouragements be offered to females to engage in athletics." Huffman ironically noted, "I am worried, however, that (my firing) sends a message to coaches that if you stand up for title IX and gender equity, you'll be fired."

In 1990, the section in the OCR Investigators' Manual on how to evaluate the interests and abilities of students in sport was rewritten. As the first test of compliance, investigators were instructed to compare the male/female athletic ratio to the male/female student ratio in that educational institution. Although this concept may be a new one to some people in intercollegiate sport, it should be noted that the original idea was put forth as a long-term goal in the 1978 title IX guidelines which this author helped write at that time. Due to a massive backlash by many in men's athletics, these guidelines were not adopted and unfortunately any reference linking the women's athlete ratio to the undergraduate women's student population was removed from the final guidelines. As a result of that deletion, there has been no movement beyond the 70/30 percentage split that we find today. Also eliminated from these 1978 guidelines, unfortunately, was the proposal to use a per capita standard when examining male/female expenditures in sport.

I would like to present a few thoughts on why an equal number of opportunities is justified for girls and women in sport.

Denying women in coaching and administrative positions equal pay, equal support systems, equal incentives, etc., is a major problem, but for those professional women the hope continues to exist that remedies will occur before they die.

On the other hand, denying girls equal opportunities in a variety of sports at an early age is an irreparable loss that will last a lifetime, because, in all likelihood, these girls will later lack the skill and the confidence to participate in high school and beyond.

Young women athletes who go on to universities and whose interests and abilities in sport are not accommodated (because they are only allocated ⅓ of the athletic slots overall and only 29 percent in Division I-A) have forever lost that sporting opportunity. The chance to participate during their undergraduate collegiate life is a one-time chance. This 4-year window of competitive opportunity has been lost to five generations of collegiate women since 1972 when title IX was passed, i.e., 20 years constitute five entirely different collegiate populations. Had participation ratios been similar to undergraduate male/female ratios during these years, women athletes would have enjoyed 50 percent rather than approximately 30 percent of the participation slots.

For some current female collegiate athletes and also for the aforementioned talented student-athletes who failed to gain a participation slot, there is also the question of financial aid. Because women receive fewer than ⅓ of the scholarship moneys allocated to athletes (28 percent in Division I-A), a young woman's opportunity to receive a college education may also be eliminated unless her parents are wealthy enough to provide the financial resources. Five generations of economically disadvantaged yet talented young women student-athletes have been affected since 1972.

The data show that universities tend to offer two free educations to young male student-athletes compared to one free education for a female student-athlete. Is this important? It most certainly is. Look at it this way: Can you imagine an educational institution having a policy where men annually automatically receive twice as many academic scholarships as women?

Clearly, such a practice would evoke a national outcry from both those inside and outside educational institutions. Yet the effect of our current athletic scholarship practice produces exactly the same result and there is no outcry. In the name of justice, this must be changed.

Surely the above explanation is adequate justification for progress toward true equal opportunity in sport.

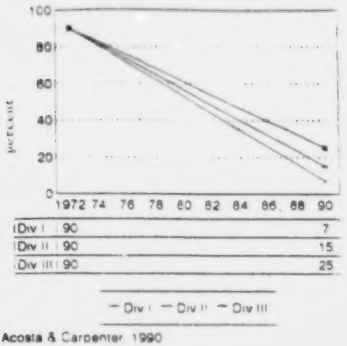
After considerable study by two committees in the Big Ten Conference, there is currently a recommendation on equity being debated on each of the Big Ten campuses. The concept is that within 5 years' time no more than 60 percent of the par-

ticipants in intercollegiate athletics will be male and no fewer than 40 percent will be female at each of our Big Ten universities. In another 5 years' time, the percentage in athletic programs should reflect the undergraduate population proportions at each of the Big Ten universities. The latter goal is predicated upon making some substantial national changes in rules and regulations, primarily in order to free up moneys for equity. A vote will be taken at the Big Ten May meeting by faculty representatives and athletic administrators and, if passed, the recommendation will be forwarded to the chief executive officers for their June meeting.

Although this plan necessitates yet another 10 year wait for equity for young women at our institutions, it is the first voluntary action taken by a group of major universities which attempts to assure equal participation opportunities in the foreseeable future. For that reason, if the action is passed, all those in the Big Ten universities are to be lauded for their leadership role in this area. This is one solution that could be duplicated by all in the Nation at both the public school and collegiate levels. This is a concept whose time has come.

A

WOMEN'S ATHLETIC DIRECTORS OF WOMEN'S PROGRAMS



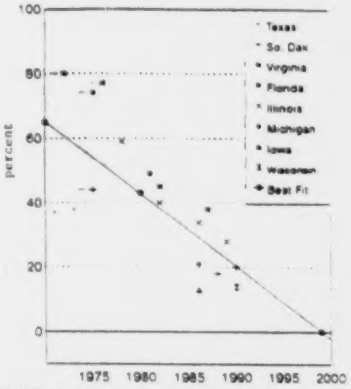
Acosta & Carpenter 1990

B

Status of Women Coaches in Selected States

% of Women Coaches of Girls' Teams

"The declining number of women coaches appears to be a national phenomenon"

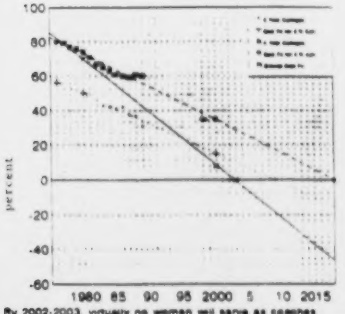


By 1999, there will be no women serving as coaches

Tolliver, 1991

C

STATUS OF WOMEN COACHES OF COLLEGE WOMEN'S BASKETBALL



By 2002-2003, virtually no women will serve as coaches

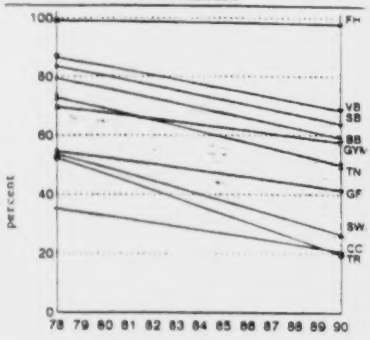
Women in 4 yr colleges will survive 9 yrs longer than 2 yr colleges

Tolliver, 1991

D

Women's Intercollegiate Sports Coached By Women

Trend in Selected Sports



Acosta & Carpenter 1990

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Mrs. COLLINS. Thank you.
Dr. Fuller.

STATEMENT OF VIVIAN L. FULLER

Ms. FULLER. Chairwoman Collins and members of the subcommittee, I have to commend you for having this series of hearings.

Progress in providing opportunities for women has slowly ground to a standstill. In the 10 years following enactment of title IX, institutions took steps to add sports for women, increase the number of female participants, and provide additional opportunities for women, but we have not moved beyond those preliminary steps. If ever there was a doubt regarding the current inequity in opportunities for women in intercollegiate athletics, the NCAA gender equity study provides concrete evidence.

Despite the fact that women represent more than half of the students in most institutions, women student athletes are outnumbered by men by more than two to one. More money is spent on men's sports even if you exclude football from the formula.

The dwindling number of female athletic administrators and coaches is of grave concern to me. The research of Linda Carpenter and Vivian Acosta documents the steep decline of women administrators and also women's decline as heads of intercollegiate athletic departments. As far as coaches, the NCAA gender equity study reveals that fewer than half of the head coaches of women's sports are women and that their salaries lag behind those of men.

Colleges and universities must make compliance a priority. They must set equality of opportunity for women student athletes, coaches, and administrators as a goal and then establish a plan of action to address inequities that may exist on their campuses.

In the area of administration, as job openings become available, institutions must make a commitment to hire women in those positions, and particularly when directors of athletics positions become vacant, institutions must consider hiring a woman for the position. Institutions also need to consider carefully the composition of their search committee. I do not think all-male search committees would be more effective because they would not focus on women in leadership positions, so I think institutions need to look at the representation of their committees.

It is important for colleges to train women at lower levels of intercollegiate athletics administration, and to ensure that they have a skill they need to fill top intercollegiate athletics positions. This same concern applies to head coaches of women's sports. The NCAA gender equity study documents that most head coaches of women's sports are men. The absence of women in these positions has far-reaching effects. There are no female role models for student athletes in those sports, and women lose critical opportunities for networking and also growth and mentorship.

Moreover, the near absence of women as head coaches of women's sports can lead to a general perception that there is no defined role for women in intercollegiate athletics other than as a participant. That has a detrimental effect on a student athlete.

Compliance with title IX should be in job descriptions of athletics directors just as institutions will be required to report graduation

rates. Universities should institute periodically performance evaluations of AD's and review their progress to achieving title IX. I believe that there would be far more progress in achieving equality of athletic opportunities for women if athletic directors were held accountable for their failure to comply.

When title IX is discussed, we hear concerns raised about the cost of complying, but it is time for institutions to stop making excuses about the cost of providing opportunities for women and to focus on funding of intercollegiate athletic programs: If there are not enough funds, how can these funds be generated, and also what can be done to increase the fund-raising equity? And again it is a question of commitment.

Title IX and opportunities for women should be a part of the rules of the Intercollegiate Athletic Association, the National Association of Intercollegiate Athletics, the National Junior College Association, and other small college associations. The gender equity study is a start. A crucial and most important part is follow-up. The NCAA and other intercollegiate athletic associations need to establish compliance with title IX as an association rule. Failure to set aside title IX obligations should disqualify teams from participation in post-season championships or other competition events, subject them to sanctions just like they do if you violate a rule. I strongly encourage the NCAA task force that will be developing recommendations to propose legislation requiring institutions to comply with title IX to make title IX violations subject to the NCAA infractions committee.

[The prepared statement of Ms. Fuller follows:]

STATEMENT OF VIVIAN L. FULLER, ASSOCIATE DIRECTOR OF INTERCOLLEGIATE ATHLETICS, INDIANA UNIVERSITY OF PENNSYLVANIA

Chairwoman Collins and members of the Subcommittee, I am Vivian L. Fuller and the Associate Director of Intercollegiate Athletics at Indiana University of Pennsylvania, a position I have held since July 1987. Previously, I was Assistant Director of Athletics and Assistant Professor of Health, Physical Education, and Recreation at North Carolina A&T State University in Greensboro, North Carolina. I have made numerous professional presentations on issues facing women in intercollegiate athletics and I appreciate this opportunity to testify concerning title IX, women's participation in intercollegiate athletics, and problems facing female athletic administrators.

My sense is that progress in providing opportunities for women has slowly ground to a standstill. In the 10 years following enactment of title IX, institutions took steps to add sports for women, increase the number of female participants, and provide additional opportunities for women. But we have not moved beyond those preliminary steps. If ever there was a doubt regarding the current inequality of opportunity for women in intercollegiate athletics, the NCAA gender equity study provides concrete evidence. Despite the fact that women represent more than half of the undergraduate enrollment at most institutions, women student-athletes are outnumbered by men by more than two to one. More money is spent on men's sports than on women's sports. This statement holds true even when expenses for football are not considered. The emphasis on men's sports is reflected in scholarship expenditures for male student-athletes (even if that percentage is proportionate to participation and therefore technically is in compliance with the title IX regulation), operating and recruiting expenditures for men's sports, and compensation of coaches of men's sports.

Of grave concern to me and to my colleagues is the dwindling number of female athletic administrators and coaches. While the NCAA gender equity study did not provide data concerning athletic administrators, the research and studies of Linda Carpenter and Vivian Acosta, the latter of whom I believe is scheduled to testify before you this morning, vividly document the steep decline in female heads of intercollegiate athletics departments. As for coaches, the NCAA gender equity study

reveals that fewer than half of the head coaches of women's sports are women and that salaries for coaches of women's sports lag behind those of men.

While many justifications can be offered to explain the data and while legal technicians can debate the legal ramifications, one fact remains—much progress is needed before gender equity in intercollegiate athletics is achieved.

Colleges and universities must make compliance with title IX a priority. They must set equality of opportunity for women—student-athletes, coaches, and administrators—as a goal, and then establish a plan of action to address inequalities that may exist on their campuses. Compliance with title IX, is a fluid process that requires constant monitoring and assessment, and therefore requires a commitment on the part of the higher education community.

In administration, as openings become available, institutions need to target key positions at all levels for women. Women should not be limited to traditional positions in higher education, such as assistant or associate director of athletics or assistant or dean of areas customarily reserved for women (e.g., dean of students, nursing, or home economics). In particular, when director of athletics positions become vacant, institutions should consider hiring a woman for the job.

If institutions are serious about equality of opportunity, they need to consider carefully the composition of their search committees. All-male search committees may be less likely to focus on female candidates than a search committee with equal representation of men and women.

One point that frequently is overlooked in the title IX debate is the need to train women administrators at lower levels of intercollegiate athletics administration to ensure that women administrators have the skills they need to fill top intercollegiate athletics administrative positions. While women may know about coaching sports, budgeting, and managing departments, they may be less knowledgeable in areas such as fundraising. Experience is essential, and colleges and universities need to set as a priority the training of women intercollegiate athletics administrators in all areas of administration.

This same concern applies to head coaches of women's sports. The NCAA gender equity study documents that, in most cases, head coaches of women's sports are men. The absence of women in these positions has far-reaching effects—there are no female role models for student-athletes in those sports, and women lose critical opportunities for networking and for receiving the benefits of mentoring. Moreover, the near absence of women as head coaches of women's sports can lead to the general perception that there is no defined role for women in athletics, other than as participants.

Institutions need to include training and mentoring of staff members in their performance evaluations. If directors of athletics are held responsible for making sure that this kind of training is being done, they are more likely to regard it as a priority and to make certain their staff members are trained.

In fact, compliance with title IX should be in the job description of every director of intercollegiate athletics, just as the reporting of graduation rates will be required of institutions. Colleges and universities should institute periodic performance evaluation of directors of athletics and review their progress towards achieving compliance with title IX. I believe that there would be far more progress in achieving equality of athletic opportunity for women if top intercollegiate athletics administrators were held accountable for their failure to comply.

Inevitably, when title IX is discussed, we hear concerns raised about the cost of complying. It is time for institutions to stop making excuses about the cost of providing opportunities for women student-athletes and to focus on how to fund intercollegiate athletic programs. If additional funding beyond the existing intercollegiate athletics budget is not available through generated revenue or special multipurpose discretionary funds, then the emphasis must be on increased fundraising. Again, it is a question of commitment. If institutions place compliance with title IX high on their list of priorities, then the question of funding becomes one of "how will we do it?", not "it's not possible".

Moving from the individual institutional perspective, institutions need to identify title IX and opportunities for women in sports as a priority in the rules of the athletic associations in which they participate. The gender equity study released last month by the NCAA is a start. Follow-up is critical. The NCAA and other intercollegiate athletics organizations need to establish compliance with title IX as an association rule. Failure to satisfy title IX obligations should disqualify teams from participating in post-season championship competition or subject them to other sanctions. In releasing the results of the gender equity study, NCAA Executive Director Dick Schultz announced the creation of a task force, composed of men and women who hold distinct points of view on the issue, to develop recommendations on how

the NCAA should proceed. I strongly encourage the NCAA task force to propose legislation requiring institutions to comply with title IX and to make title IX violations subject to the NCAA enforcement program, just like other NCAA rules violations.

These concerns take me back to my initial thesis that institutions must make gender equity and compliance with title IX a priority. They must identify specific steps they will take to move toward providing equal athletic opportunity for women on their individual campuses. The Department of Education, Office for Civil Rights ("OCR") can assist in this effort by actively enforcing title IX and by providing more specific guidance as to what title IX requires and what institutions must do to comply. OCR has taken a step in this direction by circulating its draft memorandum to college presidents concerning the title IX implications of eliminating women's sports. OCR needs to continue this public education process and clearly define what institutions must do. The more institutions understand what title IX requires, the greater their ability to comply with the law, and the fewer their excuses for not doing so.

Chairwoman Collins, I commend you and the members of this subcommittee for holding these hearings and focusing attention on this important issue that affects fully one half of our Nation's student population. Whether they wish to compete in intercollegiate athletics, intramurals, or club sports, women constitute about half of the undergraduate student population. They should not be denied the opportunities that are available to their male counterparts. And female athletic administrators and coaches should not be rarities on campus. Title IX is on the books. With greater institutional commitment, combined with increased government enforcement, equal athletic opportunity can be realized.

Thank you for the opportunity to present my views this morning. I would be glad to answer any questions you or subcommittee members may have.

Mrs. COLLINS. Thank you.

Dr. McElroy.

STATEMENT OF LEE A. McELROY

Mr. MCELROY. Thank you, Chairwoman Collins, and I would like to also commend the committee for taking this yeoman effort to investigate and look into the practices of intercollegiate athletics.

You have gotten a tremendous amount of information, and I'm not going to be redundant here with many of the statistics that my colleagues have brought forth. I would like to say, however, that the problem of gender equity is one that is pervasive in our society. I saw yesterday in one news account that at USC the Women, Men, and Media Project concluded that the role of women in the media has declined significantly over the last few years, and this was done by a woman, Nancy Woodhall, who was the co-author of that project.

Ms. Grant mentioned that since 1972, 90 percent of the women's coaches in intercollegiate athletics has declined to about 42 percent at present. Clearly we have a problem, and my job as an athletic director and one who has been on three different campuses all with different missions—one, a Division I school, the University of Houston in the Southwest Conference; another here in this city, UDC, an historically black university; and now at a predominately white campus in Sacramento that is new to Division I—I have seen title IX practiced in entirely unique settings, and it has given me as one applying the practice a pretty good perspective on how it should be employed.

I would like to stay away, again, from the background and the history because you people have that and my colleagues have done a tremendous job with it, and we need to forward on it.

One of the things that has to change, I think, is attitudes, and how do you change those attitudes? I was just at an athletic direc-

tors meeting in Minneapolis at the Final Four. Dick Schultz was there. We had a member of the Knight Commission, Maureen Devlin, who also presented; she was there and did a wonderful job.

One of the comments that came up, which we often hear from athletic directors, is, "I'm not opposed to gender equity, but how do I pay for it?" There is a declining resource not only in athletics but also in higher education, and we have a problem. We have got to comply with gender equity, and the resources are shrinking.

Donna Lopiano has advocated a unilateral disarmament of the resources in order to deal with gender equity. In my view, I don't think that will accomplish very much. What I do propose are a few recommendations that I think we should follow in order to change the next 20 years, because if we continue at our present rate, as Ms. Grant has pointed out, we won't have any women or any coaches or any women administrators in college athletics, and that would be a disservice to this country and to intercollegiate athletics.

I think, again, the certification process in athletics is moving forward; the gender equity compliance should be a part of it: Simply, if you don't comply with gender equity, you don't become certified; if you are not certified, you won't be able to participate, you won't be involved in championships, you will have your name in a light that doesn't look particularly good.

Dick Schultz and the task force are to be commended. I recommend a gender equity foundation; they seem to be moving toward that, again, to bring people from outside of athletics to address the issue. We are a microcosm of the society, and if we are going to resolve the problem we are going to need some help. Apparently we haven't been able to do it ourselves.

The institutions have to begin to take athletic participation by women seriously. Again, as many of my colleagues have outlined today, the campus has not taken it seriously, they have not investigated it seriously, and when they have they have found clever ways to get around the ruling. We must cease that practice.

Institutions have to look at the next 5 years, the next 210 years, in terms of the leadership of women, and that has to be more than just an appointment in a key position in a major organization. There are some very able women, there is some very able talent that is going undisclosed and is not being represented, and we need to use it appropriately in order to turn the problem around in the next 20 years.

Thank you very much.

[The prepared statement of Mr. McElroy follows:]

STATEMENT OF LEE A. MCELROY, ATHLETIC DIRECTOR, CALIFORNIA STATE UNIVERSITY

The debate regarding gender equity in intercollegiate athletics has escalated as a result of recent court decisions and the NCAA Gender-Equity Study. These two events highlight the complexity of gender equity in intercollegiate athletics. In the remarks outlined below, I am hopeful the members of the Subcommittee on Commerce, Consumer Protection and Competitiveness will consider the future direction of gender equity and apply the recommendations toward a new model based on vision, leadership, and creative strategies.

The gender equity issue has generated an ambiguous and disjointed purpose which has led to deception and practices of sexism. Title IX of the 1972 Education Amendments Act called for institutions of higher education to provide equal athletic opportunities for women. During the tenure of title IX, athletic administrators mis-

interpreted and abused the law. My experience as an athletics administrator at three institutions involved three divergent perspectives on gender equity and title IX. Why has this occurred?

The NCAA and institutions of higher education failed to meet the needs of women sports due to the rapidity of social change and the application of broad policy to a unique environment that required sensitivity, adaptability and diversity. Confrontational and contentious procedures were engaged to "correct" the problem while maintaining the status quo of intercollegiate athletics. The results of the previous 20 years of title IX interpretation produced confusion, chaos, and ethical deficits not to mention the fiscal crisis and denial of quality athletic participation for women.

The continuation of the standard operating procedures for intercollegiate athletics in the treatment of gender equity must be eliminated. We must employ bold initiatives that take into consideration fiscal reality, football participation, historical perspective, and future direction. Currently, there exist models of excellence that deserve review and a formation of an alliance to establish a new order for gender equity. In the States of Washington and Minnesota, the Women's Sports Foundation and numerous institutions of high education, the opportunity to build a new model for gender equity in the 21st century is present.

In sum, the next 20 years must include expanded resources, vision, leadership, ethical standards, creativity, and a proactive alliance to provide intercollegiate athletics with a model that promotes gender equity in an enthusiastic and successful environment. To accomplish the above, I recommend:

1. Each institution should be mandated to file an annual gender equity plan that is assessed and reviewed each year.
2. A national Gender Equity Foundation be formed immediately to influence policy and initiate recommendations.
3. Gender equity in intercollegiate athletics should be woven with institutional gender equity policy.
4. Gender equity become a measure of NCAA Certification procedures.
5. Institutions should be provided assistance in the operation of gender equity by the proposed Gender Equity Foundation.
6. The Olympic Committee and other external sports bodies should assist intercollegiate athletics in the refinement of gender equity.
7. Employment and program practices should encourage gender balance with targeted goals.
8. Expand athletic opportunities for female student-athletes with specific goals.
9. Solicit corporate involvement to market and promote gender equity.
10. The media should consistently address gender equity issues.

Mrs. COLLINS. Thank you very much.

On May 17, 1991, the assistant secretary of education for the Office of Civil Rights indicated that four compliance reviews were scheduled for 1991. This number was increased to a total of 7, 6 universities and 1 school district. However, when one considers that there are 10 regional offices nationwide, that number wouldn't seem to account for even each regional office conducting a single compliance review. Also, for all 10 regional offices in fiscal year 1984, there were 336 nonsupervisory equal opportunity specialists, and in fiscal year 1992 there were 320. These persons handle all kinds of complaints and what-have-you.

The question is, do you think that there is adequate monitoring being done by the Office of Civil Rights, and do you think there are sufficient numbers of compliance reviews being conducted by OCR?

Ms. Vargyas.

Ms. VARGYAS. Madam Chairwoman, in my opinion, OCR is a large part of the problem. It has to do both with compliance reviews and complaints, it has to do with the standards they set or don't set, it has to do with absolutely no follow-up. Let me give you an example.

A major complaint was filed just over a year ago dealing with Brooklyn College, which is part of the City University of New York system. It took OCR well over a year to investigate and come to a

conclusion regarding that complaint. During the investigation, irregularities occurred. One example is that the OCR investigators took a City University attorney with them to interview a coach, did not inform the coach of the identity of that attorney, and then put that coach at enormous risk during that interview.

In any event, finally, about 14 months after they started the investigation, they negotiated with Brooklyn College what they call assurances. In other words, they found a series of violations, took these, quote, assurances from Brooklyn College, did not even consult with the complaining parties, and based on the assurances found no violation, even though they had found a number of violations had occurred, and closed the complaint.

I think it was Valentine's Day, actually, that this came out. To date, Brooklyn College has failed to meet at least two dates that it promised to take actions by. The complaining parties are trying to figure out how to get OCR back into a case which they closed based on assurances they negotiated without even asking the complaining parties.

The saddest part of the whole episode is that OCR views this as a major success. The compliance reviews are few and far between. OCR applies, in my judgment, several seriously flawed policy analyses of title IX, and then this is an example of a major complaint which they undertook. OCR, again, in my judgment, is part of the problem.

Mrs. COLLINS. Ms. Grant, do you agree that OCR is part of the problem?

Ms. GRANT. Absolutely. I think in the 1980's they were not funded and therefore they were not allowed to enforce title IX, and they have not yet really established what the standards are, which I think ought to be based on enrollment and also on the history of expansion, and, believe me, every university in this country could expand today if it wanted to.

When we were talking this morning with the NCAA about their responsibilities, most definitely they can do quite a few things to help the equity situation. But every individual university in this country in the eighties and in the nineties has the power to move quickly toward equity if they so wish. They have voluntarily not chosen to do so, and that is when OCR has got to step in and enforce title IX.

Mrs. COLLINS. What would be your recommendations to the Office of Civil Rights regarding their current enforcement procedures, Dr. Fuller?

Ms. FULLER. The first thing I would suggest to OCR is that they have clearer guidelines of what should be done. I agree with both of these women on follow-up, and as far as the procedures that they are using, they have to be changed. The other thing is, OCR has not taken significant steps to implement title IX, and it is almost like show cost of funding: "If there is a problem, you contact us, and we will do something," and there is no follow-up, and I agree, I think OCR is part of the problem.

Mrs. COLLINS. Do you agree, Dr. McElroy?

Mr. MCELROY. Yes, I do, and for the same reason that Vivian just outlined, and that is interpretation and consistency. If OCR comes in and has an idea of what they are looking for, I think they

do a much better job. Oftentimes they are looking for the wrong things, and so they come out with the wrong output.

Mrs. COLLINS. How would you suggest they refocus their efforts?

Mr. MCELROY. One of the things is—and maybe Christine or Ms. Vargyas or Vivian have had some contact with OCR—you never hear from OCR until, quote, there is a complaint, and I think part of the training process and part of the educational part of it should occur prior to that so that we understand what is going on from their end and they understand what is going on from our end.

Ms. Vargyas talked about the assurances side. If someone is going to cleverly not comply with title IX and the people who are there to enforce it are going to agree with them, obviously there is a problem when they go in. The landscape has changed dramatically in intercollegiate athletics for women and intercollegiate athletics generally, and I don't know if there has been any kind of input on their part with regard to training and education.

Mrs. COLLINS. Thank you.

Ms. FULLER. If I could add to that, the other point with OCR is that the guidelines that were written initially have not been changed since they were written in the seventies, and at some point those guidelines have to be evaluated to make that institutions, OCR, and also NCAA are on the same page when it comes to complying with title IX, and right now they are not, they are all polarized as to what compliance means.

Ms. VARGYAS. If I may add one further thing, OCR put out about 2 years ago a manual for its investigators, not through the Federal Register process, this is an internal document, which is fairly controversial, at least among people who believe that OCR should be enforcing title IX. Over 1½ years ago, on behalf of the National Coalition for Women and Girls in Education, my own organization, the Women's Sports Foundation, the National Association for Girls and Women in Sports, I submitted a detailed analysis and critique of that manual, asked for a series of specific changes, and made ourselves available to meet with OCR to work with OCR. Concerns ranged from statistical analyses in determining compliance with these tolerate large numerical differences in scholarships, the whole participation question about how an institution can justify a 30 percent participation rate, and so forth. I have yet to receive, 1½ years later, any definitive response from OCR. They haven't even told me, "Thank you, but no thanks, we don't agree with you;" it is still sitting there. This is the extent of their interest and commitment to this issue; it is simply not there.

Mrs. COLLINS. Mr. McMillan.

Mr. MCMILLAN. Did some of your criticism focus on the complaint process? Dr. McElroy mentioned that the only response seems to come to complaints, and yet I gather that there are not a lot of complaints. What is the reason for that? It is a lack of awareness of the process? Is it that no one anticipates an adequate response? Or how would you characterize it?

Most of the testimony has tended to focus on kind of a top-down control approach as opposed to a reactive approach to complaints, and that is the reason for my question, to see if there is something missing there that perhaps you could enlighten us about.

Ms. VARGYAS. I think you raise some very important points. The analysis that we did, because it dealt with OCR's interpretation of policy, did not approach procedure so much, how they do it, it dealt with some disagreements we had about their interpretation of title IX meant, getting to some of the issues which have been here.

I don't advocate particularly increased OCR compliance reviews unless and until OCR takes positions which actually are going to enforce title IX, and, again, let me give you an example in the scholarship participation issue. One of the major problems which has been identified is this 30 percent female participation. OCR currently takes the view that scholarships should be pegged to participation, and, even if there is a discriminatorily reduced participation rate, you are still OK on scholarships if it is the same rate.

Now everyone has ignored the fact—not everyone but those who have discussed it—the one court in this country to address the issue, which was in the Haffer litigation that my office brought, held that you cannot justify discriminatorily reduced scholarships based on discriminatorily reduced participation. It seems to me nothing much more than common sense. If women are at 30 percent participation because the school has cut women's teams, because it has refused to make women's club teams into varsity teams, the school can't then turn around and say, "Well, hey, I'm OK on scholarships because I have 30 percent scholarships." Now this is OCR's position, and something that is very troubling to me about the NCAA position is, they adopt this whole-hog. They say, "We're fine on scholarships," and then they try and avoid the participation question, which is in many ways the linchpin question.

In the Brooklyn College complaint, OCR actually found participation discrimination but refused to find scholarship discrimination because the scholarship percentage was close to the participation percentage. I have no interest in advocating that OCR go around the country and tell schools that they are not in violation of the statute because their scholarship rates are the same as their discriminatorily reduced participation rates. That doesn't help advance the cause, and, in my judgment, it doesn't enforce title IX.

Ms. GRANT. May I add to that?

Mr. MCMILLAN. Yes, Ma'am.

Ms. GRANT. I totally concur with the comments. What has happened nationwide at the collegiate level is that we have been stuck around 30 percent participation since 1980—that is for the last 12 years—and the institutions are sitting back and saying, "We're in compliance with title IX; we are meeting our scholarship responsibilities," because you are getting scholarship money close to that, and that is why I said OCR has got to be pushed to the corner on stipulating that the standard in 1992 will be based on the enrollment, not on a discriminatory participation limited opportunity.

At the University of Iowa, we have 11 club sports for women. We could today elevate some of those sports immediately to varsity status if we so wished, and so can any university in our country.

Mr. MCMILLAN. On that point though, what generates the cash at the University of Iowa? Obviously football.

Ms. GRANT. Yes.

Mr. MCMILLAN. Basketball?

Ms. GRANT. Right.

Mr. McMILLAN. Does wrestling?

Ms. GRANT. A little.

Mr. McMILLAN. Probably the best wrestling school in the country, but does it generate cash?

Ms. GRANT. It does not meet all of its expenditures, but it does generate cash.

Mr. McMILLAN. Does it make money?

Ms. GRANT. No.

Mr. McMILLAN. You subsidize it?

Ms. GRANT. Yes.

Mr. McMILLAN. Is that based on participation?

Ms. GRANT. It is based on the needs of each sport, men's and women's sports. But the whole theory of subsidization——

Mr. McMILLAN. My point in saying that is that you probably make a conscious decision to support that sport, for whatever the reasons are, and they obviously have been there for a long time because you have a long-standing tradition in that sport. It may receive an inordinate amount of emphasis compared to some other school. But how would you come in there and say that because of that you are discriminating and maybe you don't have a certain women's sport that is now a club sport because you argue that you are distorted in your emphasis on wrestling?

Ms. GRANT. I think if I were in professional sports I would have no problem with your thesis and assumptions, none at all. I have a problem when we are talking about educational institutions, because at the University of Iowa, and probably every university, our College of Liberal Arts has never supported itself and never ever will support itself, but it is an integral part of our university that is funded from elsewhere in the university.

The same concept applies to our intercollegiate athletic program. The money that comes in is not football's, it is not men's basketball's, it is the institution's money. It is up to the institution to determine where that money will be given, where it will be allocated, and I think that is what our institutions have been guilty of not doing, they have not been making the hard decisions of, where do we want our money to go in order to provide equal opportunity in an educational institution?

Mr. McMILLAN. But there are differing patterns though. I was pursuing this a little with Mr. Schultz. Is a lot of your scholarship money at the University of Iowa generated by contributions, or is it generated by the revenue produced by the sport itself?

Ms. GRANT. By both, and women's athletics also contribute by way of gate receipts and also contribute by way of contributions.

Mr. McMILLAN. Would those funds go into the same pool, or would you draw a distinction between contributions for scholarship A as opposed to the revenue produced by the sport?

Ms. GRANT. What our university tends to do is to put it into a pot and then the president's office determines where the allocations will be made.

Mrs. COLLINS. The time of the gentleman has expired.

Mr. McMillen of Maryland.

Mr. McMILLEN. I think, with all due respect to the gentleman from North Carolina, we keep going back to the point of making money. You know, Christian Laettner made a lot of money for

Duke University, but he personally didn't make a lot of money. If you want to go make money, then let's turn them into businesses, but they are not businesses. I mean we just can't continue to use business arguments when we are not dealing with businesses. If you want to use business arguments, make them businesses; let the IRS come in and do the whole thing.

It is analogous to saying, well, what makes a profit in a university? The bookstore maybe, maybe the royalty area where are new inventions and so forth. That is analogous to saying, well, then all the endowment should go there, because it is the only place that is making money at the campus. But we don't do that, we are promoting colleges and universities, and that is why we, the Federal Government, and government invests $160 billion every year, more money than any country except Denmark per capita, and the fact is, we are promoting colleges and universities; we have got to get back to that theme.

The basic problem that I have is that I don't think title IX will be complied with in this current structure. It is impossible. I mean as you related, there are just too many systemic problems; you need a systemic change. The presidents don't really have control of this program. The NCAA's own budget—there is only one president on the committee that looks at the NCAA's budget.

The fact is, if you want to get control, you are going to have to put the money back in a pot, and that is what my legislation does. I hope that you will go look at it so that women will understand that if they want gender equity they have got to change the structures. You just can't have more policemen and expect that you are going to have compliance; it won't work; you will get part of the way, but you won't get enough of the way.

What I try to do is, I try to put the presidents back in control of this. They are in control of everything else; why shouldn't they be in control of the athletic department? I want to put the money in a pot. And I am for big-time sports. I don't think you need to have 100 scholarships for football when the NFL gets by with 44 players. I don't think you need 14 football coaches. I think you can spread that revenue around and still have the players playing just as hard. Remember, kids played just as hard 50 years ago as they do today; there has been no change; the players are playing just as hard. The fact is, we adults have piled money under this and we have corrupted the system.

So I think it is important that we develop a whole new model, and I think if we don't the courts will do it, because the courts will make it into a business eventually.

Let me ask you, would you agree with that premise? Do you think we are going to get title IX just by adding more policemen—title IX compliance?

Ms. VARGYAS. Well, I agree that is going to be very hard to get the whole way, but we have just been given a very important new policeman, if you will, with the Supreme Court's decision in February in the Franklin case which now provides money damages for intentional violations of title IX, and I can tell you that, certainly from an advocate's perspective, OCR is not the way to go, that is not going to accomplish anything, but there is going to be, I am nearly certain, a very substantial increase in litigation.

Mr. McMILLEN. That is an awful adversarial way to do it, though, isn't it?

Ms. VARGYAS. It is a very adversarial way, and money is going to end up being spent in very nonproductive fashions, but that is what is going to happen. I mean, in fact, an object lesson of that was Temple. There were no damages, but Temple ended up spending over $700,000 in plaintiffs' attorneys' fees, which didn't even begin to talk about what they spent on their own program.

Mr. McMILLEN. You were nodding. What was your thought on that?

Mr. McELROY. I was just saying, it seems to me unproductive, given the state of higher education and the state of college athletics right now in terms of the shrinking resources that you alluded to, to go that route because no one wins. To me, if we look at a new model, whether it is through your bill or some other model, when we take into consideration the entire athletic program, not just those programs that generate revenue, because as you well know, and you all have heard from Dick Schultz, 70 percent—or maybe it is 75 percent now—of the Division I athletic programs are in the red.

Mr. McMILLEN. And they are in the red because there is an arms race. They have got to build a bigger stadium; they have to pay coaches more money. You can't keep up with the Joneses. If you are Notre Dame, you are in great shape.

Mr. McELROY. There are about 15 or 20 schools that are in that category.

Mr. McMILLEN. If you are an historically black college, you are getting left out.

Mr. McELROY. Cal-State at Sacramento is nowhere near that league.

Mr. McMILLEN. And another issue is, this is just going down to the high schools. We are having revenues going into high schools. What problems we see in colleges today we are going to see in high schools tomorrow—sneaker contracts for coaches, the whole thing.

The fact is, we are the only country in the world that built sports entertainment complexes on our colleges and high school campuses, only one; everyone else divorced it. So if you are a great athlete, you have got to go to the club after school in France and Russia. In America, it is all molded together.

Furthermore, it is the pathway to the pros. If you want to become a pro basketball player, you have got to go through this system. It is screwy. Why don't we have alternatives? Why don't we have a route outside of our colleges and universities? I mean the one thing Americans are worrying about more than anything else, in the frustration that is lashing out at this institution, is that we are not number one as a country, we are losing our economic edge, and here we are sitting around, letting sports entertainment complexes destroy lots of goodwill.

Do you know that over half of the major institutions in this country have been sanctioned by the NCAA, their athletic department; it is front-page news. Do you think people want to support that university when that happens? No, because it is an athletic factory. So we are putting this tremendous investment in higher education, and we are seeing it depreciated, depreciated daily, by

these problems in college sports. Why? Because we have a "winner take all" mentality on our college campuses, and it is going to get worse. We are going to be driving to pay-per-view, we are going to have more of that, we are going to have adversarial relationships with women's sports; I think it is heading down a road that is very deleterious not only for this country but it is heading down a road that is deleterious for college sports.

Mr. McELROY. Mr. McMillen, if I may add to that, I agree with you totally. In 1984 when the Bursiaga decision was handed down, at the time many people thought it was a boon for college athletics—the free market will take over, it will be a lot of money there, and those who really deserve the money in the marketplace will receive it. Well, the reverse happened. The market was cluttered, the money shrunk dramatically, and it has not been good, and if we don't do something to get a new model you are going to have the Notre Dames and other institutions in this country saying, "I've got mine, forget about the rest of us," and that will be a sad day in America.

Mr. MCMILLEN. If the chairwoman will indulge me for 10 more seconds, the problem is, if the NCAA goes too far in any of these things, these schools will bail out, they will form their own basketball conference. That is exactly what the CFA did. They are bound by certain walls that, if they go too far, they will run for the money, and so you have an inability to reform internally, because if they get too aggressive, schools will bolt. They will say, "Let's have Notre Dame and Duke; we will have our own basketball association," just like they did in football.

Mr. MCELROY. But, if you are advocating, if there is some kind of structure that the university and not the athletic program will have to comply with and respond to—again, some new systemic way of dealing with the revenues that are consistently shrinking because, after all, as more institutions have problems, who are they going to play?

Mr. MCMILLEN. That is right.

Thank you, Madam Chairwoman.

Mrs. COLLINS. The time of the gentleman has expired.

Certain sports were deemed contact sports by title IX regulation, 34 CFR, section 106.41(b). The definition is open-ended, so that certain jurisdictions have deemed baseball a contact sport. Title IX regulations are viewed as neutral on whether to require schools to field a co-ed team in a contact sport. Do any of you or all of you believe that this is another example of how sex discrimination is allowed to prevail?

Let's start down here and go this way.

Mr. MCELROY. Well, again, as I alluded to earlier, Ms. Collins, the situation with OCR and also with title IX has to be with education, and that is an indication, in my view, of something that can't be enforced. I don't know if my colleagues on the panel would agree with me here, but defining contact in terms of whether or not there is male participation and whether or not there are co-ed teams seems to me to be ridiculous.

The other issue is, can the increase in participation for women in your program—is the department making a tremendous effort in

order to meet that, and that is not happening, and however you try to get around it, however you try the OCR, it is not working.

Mrs. COLLINS. Dr. Fuller.

Ms. FULLER. The other issue that I think we need to consider specifically with OCR is that there are no specific guidelines and we cloud the issue more when we try to use definition of terms to evaluate or justify why actions are being taken.

Mrs. COLLINS. Ms. Grant.

Ms. GRANT. I think single-sex teams for the foreseeable future would be the best avenue of approach for young women. I'm not ruling out coeducation teams where they really are honest coeducational teams, but at the current time it seems to me we need to increase our participation for young women, and single-sex teams is the way I would recommend.

Mrs. COLLINS. Ms. Vargyas.

Ms. VARGYAS. I absolutely concur with that. I think, in fact, the only time you see the discussion of coeducational teams is when the school is really trying to limit women's opportunities. You see that more in the secondary school area than you do in post-secondary, and of course all the same problems we are talking about here in post-secondary exist in the secondary school system.

In fact, Temple at one point, to use that example again, tried to defend its discriminatory practices arguing that even though the men's teams were called the men's teams, they were really—my word, not theirs—the people's teams, that in spite of the fact that they were called the men's teams, that the literature said teams for men only, that no women had ever been on these teams, and that they had never previously, prior to the litigation, announced this policy, nonetheless these teams were really everybody's teams and that therefore they could not be held to be discriminating against anyone.

Mrs. COLLINS. Ms. Vargyas, do you think there has been sufficient case law in the area of title IX clearly defining equal opportunity?

Ms. VARGYAS. No, I do not. While I would love to have a more cooperative approach than litigation to develop the law and develop the responsibilities, to be perfectly honest I can't see any alternatives, and it would be nice, again, to wait for schools to do what they are supposed to do, I don't think they are going to, and I predict a very significant increase in litigation over the short term.

Mrs. COLLINS. Do you know of any institutions forfeiting Federal financial assistance due to noncompliance with title IX?

Ms. VARGYAS. OCR has never defunded an institution based on noncompliance with title IX, not in 20 years.

Mrs. COLLINS. And you are shaking your head, Ms. Grant. You don't know of any either?

Ms. GRANT. No.

Mrs. COLLINS. You have all outlined the problems, and the other panel outlined them too, and you have all said what college administrators and athletic departments ought to do. What do you think the NCAA should do? What kind of actions or sanctions might be appropriate?

Why don't we start with you, Ms. Vargyas, and come down the line.

Ms. VARGYAS. I think the NCAA has to treat sex discrimination every bit as seriously, probably more seriously, than exactly the kinds of violations that you were addressing earlier. They get in all sorts of trouble for spending a few dollars on a recruit that they are not supposed to, but nobody says boo when they spend less than 20 percent of their overall recruiting money on women, and they say, "Well, women just aren't interested; we can't find the women."

Unless and until this becomes a death penalty kind of a sanction from the NCAA—you know, the study is a step forward, it is a good thing to have, it should have been done 20 years ago, but, again, I commend the NCAA for doing it, I think it is important, but that is not going to solve the problem, because anybody who knows anything about women's athletics found no new information in that study; what it gave us was nationally-based figures, which was useful and important, but there is really no news in that study.

Mrs. COLLINS. Ms. Grant, what do you think the NCAA should do to make sure we have greater gender equity?

Ms. GRANT. The NCAA is experimenting right now with a certification program. It would seem to me that is the ideal avenue to make equity a part of the certification process, and an institution's inability to meet the equity standard should possibly mean expulsion from the NCAA. I think that would send a very strong message.

Mrs. COLLINS. Dr. Fuller.

Ms. FULLER. I agree totally with that.

There are three things that I think the NCAA should do: (1) if an institution fails to comply with title IX, then the institution is not eligible for any championships; (2) I think that title IX should become a part of the enforcement program; and a third aspect would be certification. We do it for all other programs; use that as a governing agency and start enforcing the law.

Mrs. COLLINS. Dr. McElroy.

Mr. MCELROY. I also would like to support Christine's and Vivian's idea of including gender equity in the certification process. The certification process is already there.

One of the things that we talked about at the athletic directors meeting on Sunday was that it is not official but that it is under the, quote, fiscal integrity subtopic, and everyone says, "Well, where are we going to get the resources to do that?" I think it should be one of the ingredients or components of certification.

The other issue is education. We have done a tremendous job in this country, in my view, of educating the public about drugs and substance abuse. I think the same thing needs to be done with gender equity. There needs to be a public relations/marketing tool put forth not only for intercollegiate athletics but for the post-secondary, as Ms. Vargyas has outlined, and society in general, because young women have opportunities, and they should be expanded and taken advantage of, and at this point they aren't.

Mrs. COLLINS. Which leads to another question: What can we do to generate more interest in women's sports? Would your only answer be—and I think you would say no—that the networks give more coverage to women's sports? That would certainly be helpful, would it not?

Ms. VARGYAS. Absolutely. I defer to Dr. Grant on this, who has been working in this area for years and knows how to run a successful and popular program.

Mrs. COLLINS. Dr. Grant, what can we do to generate more interest in women's sports?

Ms. GRANT. One thing we could do is, if we adopt Representative McMillen's bill and we give back to the NCAA the ability to negotiate television contracts, we could restrict the number of times that institutions are actually on television and make that more equitable than it currently is, which I think is a very good thing, because it is the haves who are getting more and more television coverage, and I would like to see other schools get television coverage.

The other thing that could be done is, if the NCAA is negotiating the television coverage, they can be negotiating for women's coverage at the same time as they are negotiating for men's coverage, and if we are cutting back for the men, the women can fit very nicely into the free slots. Right now, women cannot get on television because the men are on all the time, and there are only 24 hours a day. Actually, we have less television coverage today than we had 12 years ago, significantly less.

Mrs. COLLINS. What do you think, Dr. McElroy, that the Congress should do in this situation to get greater participation and try to reach some kind of gender equity?

Mr. MCELROY. Well, you folks have done a tremendous job of collecting data, analyzing the situation, and coming up with alternatives through your continued discussions and debate in hearings. Apparently we are moving to an area where there are going to have to be specific guidelines and goals, and it appears as though, listening to the testimony and also listening to many of my colleagues today, that some form of direct allocation is going to have to be put forth for women. There will have to be participation levels that go beyond 30 percent, obviously, because for 20 years that hasn't worked, isn't working, and we aren't complying with it.

There will also need to be some consideration of how the football question is dealt with. I thought it was interesting that on the day that the gender equity study was released the member of the Presidents Commission said, "Well, we would be OK, except you can't include football," and I thought, well, we are trying to get away from that, move in a new direction, bring leadership and vision, and here we are again getting around compliance.

So we have got to come up with strict guidelines. I don't like the words "affirmative action," but I think we have to have specificity with regard to how resources are going to be allocated for women's sports.

Mrs. COLLINS. Dr. Fuller.

Ms. FULLER. I agree totally.

Mrs. COLLINS. Ms. Grant?

Ms. GRANT. I really don't have anything to add to that.

Mrs. COLLINS. But you did mention something about approaches that Mr. McMillen of Maryland had.

Ms. GRANT. With regard to the television?

Mrs. COLLINS. Well, what Congress should do to try to make sure that NCAA and the universities and the presidents—that every-

body understands that there is some seriousness about gender equity in athletics.

Ms. GRANT. I think the Congress can make a deal with the NCAA with regard to getting the antitrust 5-year experimental period and put some stipulations on that for equity and also for equity in coverage. It can be done if the NCAA has the control of the negotiations.

Mrs. COLLINS. Ms. Vargyas.

Ms. VARGYAS. One addition I would add is, I saw that Michael Williams declined to come. I would subpoena Michael Williams if he won't voluntarily come and ask him what is going on in the Office for Civil Rights and why that office is not enforcing the law. There are many, many issues there.

I step away from a lot of the issues that Mr. McMillen raises. I simply don't have the expertise to address a lot of the broader questions. But insofar as gender equity is concerned, the laws, I think, are there. In my judgment, it is a matter of enforcement, it is a matter of leadership, it is a matter of will, and one very concrete thing the Congress can do is put some heat on OCR.

Mrs. COLLINS. In all fairness to Mr. Williams, I understand that he did not decline to come. However, he was not able to come today, and he is going to be coming forth in another hearing that we will hold.

Ms. VARGYAS. Then that is an excellent step forward. That is terrific.

Mrs. COLLINS. Thank you very much. I thank all of you for being with us today. There may be one or two questions that we have that will help to complete our record, and if that is the case we will send them to you in writing and ask that you send responses within 5 working days of the time you receive them.

Thank you very much for coming forward. We appreciate it.

This hearing is adjourned.

[Whereupon, at 1:06 p.m., the subcommittee was adjourned.]

[The following material was received for the record:]

Margaret C. Dunkle
1223 Girard Street, NW
Washington, DC 20009

April 9, 1992

Donovan Gay
Professional Staff Member
Subcommittee on Commerce, Consumer
Protection and Competitiveness
Commerce Committee
US Congress
Ford House Office Building—Room H2 151
3rd and D Streets, SW
Washington, DC 20515

Dear Donovan:

As we discussed, enclosed is *The Rules of the Game—What Title IX Means for Athletic Programs* for inclusion in the hearing record. *The Rules of the Game* summarizes, in as plain English as possible, the athletics provisions in the Title IX regulation, the Intercollegiate Athletics Policy Interpretation, and two key court cases.

Let me know if I can be of further assistance.

Sincerely,

Margaret Dunkle

The Rules of the Game

What Title IX Means for Athletic Programs

by

Margaret C. Dunkle

Title IX of the Education Amendments of 1972 is the federal law that outlaws sex discrimination in colleges, universities, and elementary & secondary schools that receive federal money. And that includes just about every educational institution in the country.

Athletic opportunities for women and girls has always been the hottest Title IX issue, and now the debate is becoming even more intense.

- The 1988 passage of the Civil Rights Restoration Act restored institution-wide coverage of civil rights laws and made clear that Title IX covers school and college sports.
- In March of 1992, the U.S. Supreme Court gave new muscle to Title IX in a case called *Franklin v. Gwinnett County Public Schools*: now, courts can award money damages if an institution violates Title IX.
- And a 1992 study by the National Collegiate Athletic Association (NCAA) documented massive athletic inequities.

The Rules of the Game covers the three major athletic Title IX areas: Athletic Participation Opportunities; Financial Aid; and Benefits, Opportunities & Treatment. This rulebook is based on the 1975 regulation, the 1979 Athletics Policy Interpretation issued by the U.S. Department of Education's Office for Civil Rights, and two key court cases. While summaries such as this are helpful, the statute, the regulation and the courts are the final word.

Title IX provides a floor, not a ceiling. Because court decisions and settlements have already imposed tougher standards, this guide includes information about two important cases—a 1988 settlement of *Haffer v. Temple University* (brought under the Equal Protection clause of the Fourteenth amendment, the Pennsylvania Equal Rights Amendment and Title IX), and the 1987 decision in *Blair v. Washington State University* (brought under the state's anti-discrimination law and Equal Rights Amendment).

This road map to Title IX and athletics was first published in the *Chronicle of Higher Education* (June 21, 1989) under the title "A Guide to the Equity Laws."

Use this guide to give your school or college the Title IX test. Is it giving women a sporting chance? Or is it breaking the Title IX rules?

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ATHLETIC PARTICIPATION OPPORTUNITIES

GENERAL PROVISIONS

The 1975 Regulation Says:

A key area in determining if equal athletic opportunity exists for women is "whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes."

The 1979 Athletics Policy Interpretation Says:

Three factors determine compliance with this provision of Title IX: the determination of athletic interests and abilities, the selection of sports, and the levels of competition.

In *Blair v. Washington State University*, the court ordered the university to allow for increased participation opportunities until female participation reached a level commensurate with the proportion of female undergraduate students.

In the 1988 settlement of *Haffer v. Temple University*, the university agreed to specific increases in participation in women's sports that are expected to increase the percentage of female athletes to approximately 42 to 45 per cent by 1993.

DETERMINING ATHLETIC INTERESTS AND ABILITIES

The 1975 Regulation Says:

A key area in determining if equal athletic opportunity exists for women is "whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes."

The 1979 Athletics Policy Interpretation Says:

Colleges may determine the athletic interests and abilities of female and male athletes by non-discriminatory methods of their choosing. At the same time, these methods must take into account team performance and the nationally increasing levels of women's athletic interests and abilities. They must be responsive to the expressed athletic interests of female students capable of competing in intercollegiate athletics. Finally, these methods cannot have the effect of disadvantaging women.

SELECTION OF SPORTS (INCLUDING SEPARATE TEAMS AND CONTACT SPORTS)

The 1975 Regulation Says:

Colleges do not have to integrate their teams nor provide exactly the same sports for women and men. Colleges may sponsor teams for women and men if team selection is "based on competitive skill" or the sport is a "contact sport" (such as boxing, wrestling, rugby, ice hockey, football, basketball, and other sports "the purpose or major activity of which involves bodily contact"). If a college has only a men's team in a sport, women must be allowed to try out for it unless it is a contact sport.

The 1979 Athletics Policy Interpretation Says:

Contact Sports. If a college sponsors a men's team in a contact sport, it must also sponsor a women's team *if* athletic opportunities for women have historically been limited, there is sufficient interest and ability among female students to sustain a viable intercollegiate athletic team, *and* women do not have "sufficient skill to be selected for . . . or to compete actively on a single integrated [male-female] team."

Non-contact Sports. If a college sponsors a men's team in a non-contact sport, it must also sponsor a women's team *if* athletic opportunities for women have historically been limited, there is sufficient interest and ability among female students to sustain a viable intercollegiate athletic team, *and* women do not have "sufficient skill to be selected for . . . or to compete actively on a single integrated [male-female] team."

LEVELS OF COMPETITION

The 1975 Regulation Says:

A key area in determining if equal athletic opportunity exists for women is "whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes."

The 1979 Athletics Policy Interpretation Says:

Colleges must provide both equal opportunity for individual female athletes to participate in intercollegiate athletics, and competitive team schedules that equally reflect the athletic abilities of female students.

Equal opportunity in levels of competition is assessed by any of the following ways:

(1) If intercollegiate athletic participation opportunities for female students are "substantially proportionate" to their enrollment;

(2) If, in colleges where women "have been and are underrepresented among intercollegiate athletes," the college can show a "history and continuing practice of program expansion which is demonstrably responsive to the developing interest and abilities" of women students; or

(3) If (in colleges where women are "underrepresented among intercollegiate athletes, and the institution cannot show a continuing practice of program expansion") the college can demonstrate that the interests and abilities of women students have been fully and effectively accommodated by the present [athletic] program."

In addition, equal opportunity in levels of competition is assessed by examining:

(1) If, over all, game schedules for women's teams provide female athletes with "advanced competitive opportunities" in proportion to those provided male athletes; or

(2) If the college can demonstrate a "history and continuing practice of upgrading the competitive opportunities available to women as warranted by their developing athletic abilities."

Colleges do not have to upgrade club or intramural teams to intercollegiate status, or otherwise develop intercollegiate sports, if there is no "reasonable expectation" of intercollegiate competition in the "institution's normal competitive regions." Colleges may be required "to actively encourage the development of such competition, however, when overall athletic opportunities [for women] within that region have been historically limited."

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ASSESSING OVERALL EQUALITY REGARDING ATHLETIC PARTICIPATION OPPORTUNITIES

The 1975 Regulation Says:

A key area in determining if equal athletic opportunity exists for women is "whether the selection of sports and levels of competition effectively accommodate the interests and abilities of both sexes."

The 1979 Athletics Policy Interpretation Says:

Overall compliance with Title IX provisions regarding meeting the athletic interests and abilities of female students is determined by examining:

(1) If a college's policies are "discriminatory in language or effect";

(2) If there are "substantial and unjustified" disparities between the treatment of "male and female athletes in the institution's program as a whole"; and

(3) If any individual disparities are "substantial enough in and of themselves to deny [women students] equality of athletic opportunity."

FINANCIAL AID

The 1975 Regulation Says:

Colleges must provide reasonable opportunities for athletic scholarships in proportion to the number of male and female students participating in athletics. Colleges may award separate financial aid to female or male athletes who participate on single-sex teams.

The 1979 Athletics Policy Interpretation Says:

Colleges must award athletic assistance on a basis substantially proportional to the number of male and female intercollegiate athletes. Proportionality is measured by: (1) dividing the total amount of athletic aid available for men by the number of male participants in athletics; (2) dividing the total amount of athletic aid available to women by the number of female participants in athletics; and (3) comparing the results.

The following is an example of non-discriminatory athletic aid:

Men: $120,000 in Athletic Aid
60 Athletes = An average of $2,000 per athletic scholarship

Women: $80,000 in Athletic Aid
40 Athletes = An average of $2,000 per athletic scholarship

Colleges do not have to provide a proportionate *number* of athletic scholarships for men and women, nor do individual scholarships for men and women have to be of equal dollar value.

If athletes also receive financial aid *not based on athletic ability* (most often, need-based aid), it is analyzed separately from athletic aid. If the procedures and criteria for awarding non-athletic aid differ for women and men *or* if the aid awarded women is not substantially proportional to their participation rates, then a proportionality test for this aid must be applied.

A college can justify unequal average scholarships for women and men *if* it can show that the disparities are the result of "legitimate, nondiscriminatory factors," such as:

1. Higher tuition costs for out-of-state students at public institutions (but only if these higher costs are *not* caused by such discriminatory school policies or practices as providing less recruiting support for female teams or giving preference to in-state female, but not male, students because of cost concerns); or

2. "Reasonable professional decisions" about scholarships that are appropriate for developing a program (such as phasing in scholarships for a new sport over four years).

"Participants" in intercollegiate athletics are athletes who regularly receive institutionally sponsored athletic support, such as coaching and equipment; regularly participate in team practices and other activities; *and* are included on squad lists. Injured athletes who continue to receive athletic financial aid are also counted as "participants." (In practice, determining who is a "participant" can be elusive, since all of these criteria come into play.) Key to this determination is assuring that the definition of "participant" does not inherently disadvantage female athletes. Each individual is counted only once, even if he or she plays more than one sport.

In discussing scholarships, the court ruled in *Haffer v. Temple University* that "if the participant figures [for women] result from unlawful discrimination," then the university cannot claim Title IX compliance in scholarships even though the percentage of female athletes and the percentage of athletic scholarship funds received by females are the same.

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BENEFITS, OPPORTUNITIES, AND TREATMENT

GENERAL PROVISIONS

The 1975 Regulation Says:

Overall, colleges that operate intercollegiate athletics or clubs or intramural sports must "provide equal athletic opportunity for members of both sexes." Equal opportunities include such areas as: Accommodating the athletic interests and abilities of female as well as male students (including the selection of sports and levels of competition); equipment and supplies; scheduling; travel and per diem allowances; opportunity to receive coaching and academic tutoring; assignment and pay of coaches and tutors; locker rooms and other facilities; medical and training facilities and services; housing and dining facilities and services; publicity; and other factors.

The 1979 Athletics Policy Interpretation Says:

Schools must provide "equivalent" (but not necessarily identical) athletic benefits, opportunities, and treatment to female and male athletes. That is, overall athletic programs must be "equal or equal in effect" and the overall effect of any differences must be negligible. Important factors in determining equivalency are: availability, quality and kinds of benefits, opportunities, and treatment.

The Policy Interpretation identifies the recruitment of student athletes and the provision of support services as important "other factors" in determining whether or not female students have equal athletic opportunities. The criteria for evaluating equal opportunities in each area are spelled out in detail in the Policy Interpretation.

Colleges can justify differences in the treatment, benefits, and opportunities of a women's team if they "are the result of nondiscriminatory factors," such as:

1. "Unique aspects of particular sports or athletic activities" (such as rules of play, the nature of equipment, injury rates, and the nature and upkeep of facilities). While football cannot be used to justify sex discrimination, these "unique aspects of particular sports" occur most often in football programs. Colleges must meet any sport-specific needs of women's programs to the same extent they meet these needs of men's programs.

2. "Legitimately sex-neutral factors" related to special and temporary circumstances (such as fluctuations in recruitment activity that result from team needs). These differences cannot, however, reduce overall equality of athletic opportunity for women.

3. The different costs of managing competitive events for women's and men's programs (such as men's football and basketball games). However, criteria for support of event management must be sex-neutral and colleges cannot "limit the potential for women's athletic events to rise in spectator appeal."

4. "Voluntary affirmative actions to overcome effects of historical conditions" that have limited athletic participation by women. (Section 106.3 of the regulation specifically permits voluntary affirmative action.)

FUNDING

The 1975 Regulation Says:

Equal aggregate expenditures for women's and men's athletics are not required by Title IX. However, "the failure to provide necessary funds" for women's athletics programs may be considered in assessing equal opportunity for women.

The 1979 Athletics Policy Interpretation Says:

A ruling by the Department's General Counsel stating that "revenue-producing sports" and football are not exempt from Title IX and do not qualify for special treatment under the law is cited in the comment section of the Policy Interpretation.

In the 1970's, several Congressional attempts were made to amend Title IX to exclude "revenue-producing" sports. All those attempts failed.

In settling a lawsuit (*Haffer v. Temple University*), Temple agreed that the women's share of expenditures would be within 10 per cent of their participation rate in most areas. Additionally, equity in home game events, coaching, and access to post-season competition is determined by non-financial standards.

EQUIPMENT AND SUPPLIES

The 1975 Regulation Says:

"The provision of equipment and supplies" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

"Equipment and supplies include but are not limited to uniforms, other apparel, sport-specific equipment and supplies, general equipment and supplies, instructional devices, and conditioning and weight training equipment."

Equivalence is measured by such factors as the quality, amount, suitability, maintenance and replacement, and availability of equipment and supplies.

SCHEDULING

The 1975 Regulation Says:

"Scheduling of games and practice time" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Equivalence is measured by such factors as the number of competitive events, the time of day games are scheduled, the number and length of practice opportunities, the time of day practices are scheduled, and opportunities for preseason and postseason competition.

TRAVEL AND PER DIEM ALLOWANCES

The 1975 Regulation Says:

"Travel and per diem allowance" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Equivalence is measured by such factors as the modes of transportation, housing furnished during travel, length of stay before and after competitive events, per diem allowances, and dining arrangements.

OPPORTUNITY TO RECEIVE COACHING AND ACADEMIC TUTORING

The 1975 Regulation Says:

"Opportunity to receive coaching and academic tutoring" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Regarding coaching, equivalence is determined by examining such items as the relative availability of full-time coaches, part-time and assistant coaches, and graduate assistants. In settling *Haffer* v. *Temple*, the university agreed to provide women's teams with as favorable an athlete-coach ratio as the men's teams.

Regarding academic tutoring, equivalence is determined by examining such items as the availability of tutoring, and the procedures and criteria for obtaining tutorial assistance.

COACHES' PAY AND ASSIGNMENT

The 1975 Regulation Says:

"Assignment and compensation of coaches" is listed as a factor in determining overall compliance under Title IX. The employment provisions of the regulation state that jobs cannot be classified as being for women only or men only. Also, colleges cannot have policies that, on the basis of sex, make "distinctions in rates of pay or other compensation", or result in wages to women that are lower than wages to men who perform equal work (that is, work that requires equal skill, effort, and responsibility, and that is performed under similar working conditions).

The 1979 Athletics Policy Interpretation Says:

This section applies to instances where discriminatory pay or assignment of coaches denies female athletes coaching of equivalent quality, nature, or availability to that received by male athletes. (In addition, coaches are protected from sex discrimination in employment, even if students are not adversely affected, by Title VII of the Civil Rights Act and the Equal Pay Act, as well as by the employment provisions of Title IX.)

Regarding assignment of coaches, equivalence is determined by comparing such factors as training, experience and other professional qualifications, and professional standing. Regarding compensation of coaches, equivalence is determined by comparing such factors as pay rate, length of contracts, conditions of contract renewal, experience, coaching duties, working conditions, and other terms and conditions of employment.

"Nondiscriminatory factors" which might affect the compensation of coaches include the range and nature of duties, experience, the number of participants in a sport, the number of assistant coaches supervised, and the level of competition. If "these or similar differences represent valid differences in skill, effort, responsibility or working conditions, they may, in specific circumstances, justify differences in compensation." Further, there may be "unique situations" in which a coach possesses "such an outstanding record of achievement as to justify an abnormally high salary."

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TUTORS' PAY AND ASSIGNMENT

The 1975 Regulation Says:

"Assignment and compensation of tutors" is listed as a factor in determining overall athletic compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Regarding assignment, equivalence is determined by comparing such factors as tutor qualifications, training, experience, and other qualifications.

Regarding compensation, equivalence is determined by such factors as hourly rate, pupil loads, qualifications, experience, and other terms and conditions of employment.

LOCKER ROOMS AND OTHER FACILITIES

The 1975 Regulation Says:

"Provisions of locker rooms, practice and competitive facilities" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Equivalence is measured by such factors as the quality, availability, and exclusivity of use of practice and competitive facilities; the availability and quality of locker rooms; the maintenance of practice and competitive facilities; and the preparation of facilities for practice and competitive events.

MEDICAL AND TRAINING FACILITIES AND SERVICES

The 1975 Regulation Says:

The "provision of medical and training facilities and services" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Equivalence is measured by such factors as the availability of medical personnel and assistance; health, accident and injury insurance coverage; the availability and quality of weight training and conditioning facilities; and the availability and qualifications of athletic trainers.

HOUSING AND DINING FACILITIES AND SERVICES

The 1975 Regulation Says:

"Provision of housing and dining facilities and services" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Equivalence is measured by such factors as the quality, availability, and exclusivity of use of practice and competitive facilities; the availability and quality of locker rooms; the maintenance of practice and competitive facilities; and the preparation of facilities for practice and competitive events.

PUBLICITY

The 1975 Regulation Says:

"Publicity" is listed as a factor in determining overall compliance under Title IX.

The 1979 Athletics Policy Interpretation Says:

Equivalence is measured by such factors as the availability and quality of sports information personnel, access to other publicity resources, and the quantity and quality of publications and other promotional devices. In settling *Haffer v. Temple University*, the university agreed to hire a full-time employee to promote women's athletics, as well as to provide sufficient promotion resources.

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RECRUITMENT

The 1975 Regulation Says:

Recruitment of athletes is one of the "other factors" that can be considered in determining if women have equal athletic opportunities.

The 1979 Athletics Policy Interpretation Says:

The Policy Interpretation identifies athletic recruitment practices as an "other factor" that often affects provision of opportunity to male and female athletes.

Equivalence is measured by reviewing opportunities to recruit, resources provided for recruitment, and method of recruitment—that is, if coaches of women's teams have "substantially equal opportunities to recruit," if the financial and other resources available for recruitment are "equivalently adequate to meet the needs" of the women's program, and if differences in benefits, opportunities, and treatment of female prospective student athletes have a "disproportionately limiting effect" on the recruitment of women.

ADMINISTRATIVE AND SUPPORT SERVICES

The 1975 Regulation Says:

Administrative and support services are among the "other factors" that can be considered in determining if women have equal athletic opportunities.

The 1979 Athletics Policy Interpretation Says:

The Policy Interpretation states that the "administrative and clerical support provided to an athletic program can affect the overall provision of opportunity to male and female athletes."

Equivalence is measured by such factors as the relative amount of administrative, secretarial, and clerical assistance provided to men's and women's programs.

ASSESSING THE OVERALL EQUALITY OF ATHLETIC BENEFITS, OPPORTUNITIES AND TREATMENT

The 1975 Regulation Says:

Overall, colleges that operate intercollegiate athletics or clubs or intramural sports must "provide equal athletic opportunity for members of both sexes." Equal opportunities include such areas as: Accommodating the athletic interests and abilities of female as well as male students (including the selection of sports and levels of competition); equipment and supplies; scheduling; travel and per diem allowances; opportunity to receive coaching and academic tutoring; assignment and pay of coaches and tutors; locker rooms and other facilities; medical and training facilities and services; housing and dining facilities and services; publicity; and other factors.

The 1979 Athletics Policy Interpretation Says:

Overall compliance with Title IX's provisions regarding athletic benefits, services, opportunities, and treatment is determined by examining if a college's policies are "discriminatory in language or effect", if there are "substantial and unjustified" disparities between the treatment of "male and female athletes in the institution's program as a whole"; and if any individual disparities are "substantial enough in and of themselves to deny [women students] equality of athletic opportunity."

The men's program *as a whole* must be compared to the women's program *as a whole*. Comparisons are not made sport-by-sport, individual men's teams are not compared to individual women's teams, and grouping teams into "major" and "minor" sports is not permissible. There is no exemption for "revenue producing" sports.

Football must be treated as a part of the total athletic program, not separately, under Title IX. Also, in *Blair v. Washington State University*, the state Supreme Court ruled that football could *not* be excluded from calculations for participation opportunities, scholarships, and distribution of non-revenue funds, saying that "To exclude football, an all-male program, from the scope of the [state] Equal Rights Amendment would only serve to perpetuate discriminatory practices and diminish opportunities for women."

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